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Designated Federal Official,
U.S. Department of Education,
White House Initiative on Advancing Educational Equity, Excellence, and Economic
Opportunity for Black Americans,
400 Maryland Avenue SW,
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We appreciate the opportunity to submit comments for consideration by the White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans.

Established in 1971, the Southern Poverty Law Center (SPLC) is a nonprofit organization founded in Montgomery, Alabama, to help ensure the promise of the Civil Rights Movement became a reality for all, particularly for Black communities in the South, who are all too often the victims of discriminatory policies and who experience targeted violence at the hands of white supremacists. We work in partnership with communities of color to dismantle white supremacy, strengthen intersectional movements through transformative policies and initiatives, and advance the human rights of all people. The SPLC believes that all people in our country deserve to live free from discrimination and that the government must provide remedies and special interventions to protect communities that have been systematically and continually marginalized and discriminated against throughout the history of this country. One of our core priorities is to eradicate poverty by expanding access to economic opportunities and public benefits, preventing the siphoning of wealth from Black and Brown, and eliminating racial and socio-economic inequity and inequality in every facet of American life (i.e. Education, employment, housing, tax benefits, credit and lending, etc.).

Urgent need to face existing challenges to equity and economic opportunity

While over the last 60 years, the country has taken significant strides to address historic and persistent inequities and increase educational opportunity, through legal and policy victories, that progress has always been and continues to be threatened and met with backlash.¹

¹ Southern Poverty Law Center. (2024, July 11) *Written Statement to the U.S. House Oversight and Accountability Committee in connection with its June 27, 2024 hearing entitled "Ending Illegal Racial Discrimination and Protecting Men and Women in U.S. Employment Practices*,
<https://www.splcactionfund.org/sites/default/files/employment-discrimination-house-oversight-hearing-072024.pdf>



As a result of systemic inequity, our Deep South states have some of the highest rates of poverty, as well as a high need for housing, health care, and nutrition support. In recent years, the food insecurity rate was the highest in the South,² and the burden of food insecurity fell disproportionately on Black children. Together, roughly 1.8 million children under the age of 18 were living in poverty in our Deep South states in 2022, and approximately 800,000 of those were Black children.³ In 2022, 1 in 3 Black children went without reliable access to food.⁴

In the U.S., the racial wealth gap remains a persistent problem because of past and ongoing discriminatory policies and institutional and systemic racism that has blocked access to economic opportunities and the creation of intergenerational wealth, especially for Black and Brown families. In 2019, the median white family had \$184,000 in wealth compared to \$38,000 and \$23,000 for the median Latinx or Black family, respectively.⁵ The typical white family has nearly eight times the wealth of the median Black family.⁶ Key contributors to the racial wealth gap include lower Black homeownership because of the legacies of slavery, Jim Crow segregation, redlining, and other policies that caused the involuntary land loss in and degradation of Black communities and neighborhoods.⁷ Often these barriers to economic opportunities are interrelated, for example, schools in predominately communities of color are often underfunded, subject to over-policing, and more likely to face school closures.⁸ While higher education can help narrow the gap, it is not enough to close it, in part because Black people oftentimes have limited family wealth, more student debt, and face structural barriers to the labor market, like

² Data & Statistics on Hunger, FOOD RESEARCH & ACTION CENTER, <https://frac.org/hunger-poverty-america#data>.

³ The Annie E. Casey Foundation, *Children in Poverty by Age Group and Race and Ethnicity in the United States*, <https://datacenter.aecf.org/data/tables/8447-children-in-poverty-by-age-group-and-race-and-ethnicity?loc=1&loct=2#detailed/2/2.11-12,20,26/false/1095/6640,4087,3654,3301,2664|122/17079,17080>.

⁴ Matthew Rabbitt et al., *Statistical Supplement to Household Food Security in the United States in 2022*, Report No. AP-119, U.S. Department of Agriculture, Economic Research Service, Oct. 2023, <https://www.ers.usda.gov/webdocs/publications/107710/ap-119.pdf?v=1282.9>.

⁵ See *i.e.* Harris, B and Schreiner Wertz, S. (2022, September 15). *Racial Differences in Economic Security: The Racial Wealth Gap*. <https://home.treasury.gov/news/featured-stories/racial-differences-economic-security-racial-wealth-gap>

⁶ Joint Economic Committee Democrats. *Education Can Help Narrow the Racial Wealth Gap, but Structural Solutions are Needed to Close It*. https://www.jec.senate.gov/public/_cache/files/1d07cb0d-6ec2-4f49-9fa7-6ee5c771f3e3/education-and-racial-wealth-gap.pdf

⁷ Ray, R. Perry, A., Harshbarger, D, Elizondo, S. and Gibbons, A. (2021, September 1). Brookings Institute. *Homeownership, racial segregation, and policy solutions to racial wealth gap*. <https://www.brookings.edu/articles/homeownership-racial-segregation-and-policies-for-racial-wealth-equity/>

⁸ *Id. See*, Advancement Project and the Southern Poverty Law Center (2024, May 30) *Letter to Catherine Lhamon, Department of Education Office for Civil Rights re: Urgent Need for Federal Civil Rights Guidance on Closing Neighborhood Public Schools*. https://advancementproject.org/wp-content/uploads/2024/05/2024.05.30-Recommendations-for-OCR-Guidance-on-School-Closures_FINAL.-to-pdf.pdf



occupational segregation and discrimination. Slavery, Jim Crow, and the New Deal caused workers of color to be concentrated in chronically underpaid and undervalued occupations.⁹ Workers of color are more likely to face workplace violations like wage theft, hold jobs that lack workplace protections, have jobs that are lower pay or provide fewer benefits, and experience higher unemployment rates and lower unemployment insurance payments.¹⁰

Opponents of civil rights have weaponized and misconstrued civil rights law to maintain the persistent inequalities stemming from our nation's history with white supremacy and reverse the progress we have made in creating an America that lives up to its ideals of a multiracial democracy.¹¹ These extremist groups have attacked efforts to increase access to opportunity in every sector, including education, employment, government contracting, health care, housing, and financial services.¹² The recent Supreme Court rulings restricted affirmative action in higher education and weakened the administrative powers of federal agencies by eliminating *Chevron* deference. The onslaught of anti-civil rights legislation across the country and the wave of cases are challenging programs and services that support minority-owned businesses and underserved communities. These recent examples are attempts by extremists to rewrite history and roll back hard-fought civil rights protections by eliminating and weaponizing legal protections, policies and programs designed to root out and redress discrimination that people of color and other underserved communities experience throughout their daily lives, especially in the Deep South.¹³

⁹ Soloman, D. (2019, August 7) *Systemic Inequality and Economic Opportunity*. CAP.

<https://www.americanprogress.org/article/systemic-inequality-economic-opportunity/>

¹⁰ Dixon, R. and Traub, A. (2024, May 13). *Desegregating Opportunity: Why Uprooting Occupational Segregation is Critical to Building A Good-Jobs Economy*. National Employment Law Project. <https://www.nelp.org/insights-research/desegregating-opportunity-why-uprooting-occupational-segregation-is-critical-to-building-a-good-jobs-economy/>

¹¹ Southern Poverty Law Center. (2024, March 19) *Written Statement to the U.S. House Committee on Education and the Workforce, Subcommittee on Higher Education and Workforce Development, In connection with its March 7, 2024 hearing entitled: "Divisive, Excessive, Ineffective: The Real Impact of DEI on College Campuses."*

<https://www.splcenter.org/sites/default/files/splc-statement-re-dei-hearing-03072024.pdf>; See Golden, H. (2024, January 1). *History of DEI: The Evolution of Diversity Training Programs*. Notre Dame University.

<https://www.ndnu.edu/history-of-dei-the-evolution-of-diversity-training-programs/>; see also, White House.(2021, June 25). *Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Workforce*.

<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/06/25/executive-order-on-diversity-equityinclusion-and-accessibility-in-the-federal-workforce/>

¹² See, i.e. D'Innocenzio and Olson, A. (2024, January 14) *DEI opponents are using a 1866 Civil Rights law to challenge equity policies in the workplace*. APNews. <https://apnews.com/article/dei-corporatediversity-supreme-court-affirmative-action-a4ddf354423feee9697310366248f646>; *Students for Fair Admissions (SFFA) v. University of North Carolina (UNC)/Harvard College*, 600 U.S. 181 (2023).

¹³ *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023); *Loper Bright Enterprises v. Raimondo*, No. 22-451 (June 28, 2024); Morgan Lewis (2024, June) *Report: DEI and Best*



Recommendations:

Addressing the ongoing challenges to educational equity and economic opportunities requires a multifaceted approach that reaffirms our commitment to racial equity, fortifies our civil rights protections, and stops further degradation of our core principles.¹⁴

Reaffirm Existing Equity Commitments

The Initiative should work with the White House to reaffirm its commitment to implement, administer, apply, enforce, and carry out the key Racial Equity Executive Orders 13985, 14091, and 14035. The Department of Education (The Department) must reinforce its existing equity plans, continue to promote the importance of diversity, equity, inclusion, and accessibility (DEIA) within the agency, and protect existing DEIA programs within the agency. The Department must continue collecting and publishing the necessary data and studies to prove the importance and effectiveness of remedial and special programs aimed at increasing DEIA. ED should proceed with the finalization of the Title IX regulation and continue to push for more funding for The Department's Office of Civil Rights to vigorously enforce civil rights laws.

The Department and the Initiative should work with federal agencies should finalize and vigorously defend existing regulations, guidance, and definitions intended to promote equity including, for example, promoting the Office of Management and Budget's guidance on federal grants and finalizing the Housing and Urban Development's Affirmatively Furthering Fair Housing rule.¹⁵

Fortify Civil Rights Protections

The Department of Education should work with relevant agencies to develop strategic litigation to prevent the manipulation and weaponization of civil rights laws to reverse the decades of progress. The Department should collaborate with the Department of Justice and other relevant agencies to take proactive actions to strengthen our existing civil rights laws and prevent any

Practices in Corporate America: Harvard/UNC One Year Later. <https://www.morganlewis.com/pubs/2024/06/dei-and-best-practices-in-corporate-america-harvard-unc-one-year-later>.

¹⁴ Leadership Conference (2024, June 18). Letter to President Biden in Support of DEIA, <https://civilrights.org/resource/leadership-conference-letter-to-president-biden-in-support-of-deia/>

¹⁵ See, OMB Uniform Grant Guidance, [Dollars Delivering Results: Biden-Harris Administration Publishes Proposed Updates to the Uniform Grants Guidance to Improve Impact of Federal Grants and Other Financial Assistance | OMB | The White House](https://www.whitehouse.gov/wp-content/uploads/2024/02/OMB-Uniform-Grant-Guidance-to-Improve-Impact-of-Federal-Grants-and-Other-Financial-Assistance-2024-02-2024.pdf); Leadership Conference (2024, February 22). Coalition letter to Secretary Marcia Fudge, U.S. Department of Housing and Urban Development, <https://www.prrac.org/wp-content/uploads/2024/02/LCCHR-Fair-Housing-Fair-Lending-TF-Letter-to-HUD-February-22-2024.pdf>.



gaps from being exploited and misconstrued from its original intent of preventing discrimination against historically marginalized people and ensuring full participation in all facets of life.

The Department of Education should issue clarifying guidance, regulations, and other documents on the interpretation of civil rights laws, especially to support remedial programs like DEIA and prevent the weaponization of civil rights law.

Stop the Degradation of Civil Rights Protections

Finally, the Initiative needs to work to stop the onslaught of state legislation and other policy efforts that attack inclusive education, ban books, rewrite African American history, block diversity, equity, inclusion, and accessibility efforts, and erase LGBTQ+ identities.¹⁶ The Department of Education and the Initiative should work with other relevant agencies to track related legal and policy attacks and strategize about appropriate defenses against legal attacks against federally funded remedial programs and DEIA efforts, including the Department of Agriculture’s “socially disadvantaged farmer” definition.¹⁷

Additional Considerations

In addition to the above recommendations, the Department and the Initiative should also work to eliminate the racial wealth gap and the barriers that prevent education equity and economic opportunities. While this administration has made significant progress concerning loan forgiveness, which disproportionately impact people of color, there could be more done to support workforce development, including more grant opportunities to underserved communities as well as increased accountability, transparency, and equity around these funds. For example, the Department could clarify the baseline components of meaningful community engagement that include community liaisons to inform the public about the progress of the project, opportunities for community members to participate in decision-making, local prioritization for jobs and economic development related to the project, and accountability and transparency as to the impact of the project. Because historically under-resourced, low-income, rural, Black, and Brown communities may have limited interactions with federal government entities and minimal understanding of compliance, procurement, and other related processes, a community engagement model should also offer guidance to community members who want to be involved but are not well-versed in how to work with government actors.

Education equity and economic opportunities could be improved by eliminating discriminatory systems that perpetuate poverty and block access to social safety net programs aimed at meeting basic nutrition and health. Research finds that food insecurity can lead to a decrease in mental and physical health outcomes, standardized testing scores, and overall classroom readiness for

¹⁶ See *i.e.* People’s Guide to Project 2025, <https://democracyforward.org/the-peoples-guide-to-project-2025/>

¹⁷ See *Strickland et al. v. The U.S. Dept. of Agriculture*, No. 2:24-cv-60-Z (Apr. 5, 2024).



the upcoming academic year.¹⁸ SNAP is one of the most effective anti-poverty programs that is known to improve health outcomes, local economies and farmers, and overall nutrition and well-being.¹⁹ And yet, Congress is attempting to force cuts and rollbacks to this crucial nutrition program.²⁰ While the Department does not have jurisdiction over these social safety net programs, many of these programs impact students and educators. The Initiative should consider efforts to support these programs in schools and stop the proliferation of discriminatory and harmful policies including work requirements, mandatory drug testing, and assistance time limits imposed on safety net programs like SNAP, Medicaid, TANF, are rooted in narratives around who is deserving of government assistance when experiencing financial instability, particularly concerning Black parents with children.²¹

Conclusion

Thank you for considering our recommendations to the White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans. Please feel free to reach out to me at Theresa.Lau@splcenter.org or 571-609-1890 if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Theresa Lau', written in a cursive style.

Theresa Lau

¹⁸ See, i.e. No Kid Hungry, How Does Hunger Affect Learning, April 24, 2023, <https://www.nokidhungry.org/blog/how-does-hunger-affect-learning>

¹⁹ Ty Jones Cox, SNAP Is and Remains Our Most Effective Tool to Combat Hunger, CENTER ON BUDGET AND POLICY PRIORITIES, Feb 14, 2023, <https://www.cbpp.org/blog/snap-is-and-remains-our-most-effective-tool-to-combat-hunger>

²⁰ Katie Bergh and Lauren Hall, “Chair Thompson’s Plan Would Cut SNAP Benefits and Ignore Scientific Evidence in Thrifty Food Plan Updates, CENTER ON BUDGET AND POLICY PRIORITIES, Apr. 18, 2024, <https://www.cbpp.org/research/food-assistance/chair-thompsons-plan-would-cut-snap-benefits-and-ignore-scientific>

²¹ See e.g. Ife Floyd et al, TANF Policies Reflect Racist Legacy of Cash Assistance, CENTER ON BUDGET AND POLICY PRIORITIES Aug. 4, 2021, <https://www.cbpp.org/research/income-security/tanf-policies-reflect-racist-legacy-of-cash-assistance>