

**The Select Subcommittee's Revisionist History of School Closures
During the Coronavirus Pandemic**

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Step toe

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Executive Summary

We have prepared this report on behalf of the American Federation of Teachers (“AFT”) in response to the investigation conducted by the House Select Subcommittee on the Coronavirus Pandemic (“Select Subcommittee”) and its final report. The Select Subcommittee was authorized at the dawn of the 118th Congress to investigate a set of nine worthy and important issues relating to the pandemic, including the societal effects of school closures. Today, the Majority is releasing a lengthy Report addressing issues ranging from the origins of the pandemic to the performance of various agencies of the United States government during the pandemic. One chapter of the Select Subcommittee’s Report is devoted to the issue of school closures and gives an inordinate amount of attention to the role of the AFT in commenting on guidance for reopening schools issued by the Center for Disease Control (“CDC”) in February 2021. This report is based on our careful review of that chapter.¹

For the last two years, the Select Subcommittee has fixated on the idea that the AFT had uncommon access and inappropriate influence on the February 2021 CDC guidance, and relentlessly pursued the false claim that the AFT wanted to keep schools closed during the pandemic. Instead of a broad-gauged and constructive review of school closures during the pandemic, its work has devolved into an extended effort by the Select Subcommittee’s Majority to demonize and scapegoat educators and their unions – including most notably, the AFT and its president, Randi Weingarten. Our report documents that effort, and summarizes the detailed facts that refute the false and incendiary claims that the AFT’s goal was, at any time, anything other than the safe reopening of schools for in-person learning.

The Select Subcommittee Majority inherited – and has attempted to advance – a theme first advanced by Republican leadership more than three years ago, when Rep. Steve Scalise alleged that the CDC had amended its school reopening guidance, under pressure from the AFT, to ensure that more schools would remain closed for a longer period of time. This allegation was utterly false. These claims were embellished and expanded by a March 2022 GOP staff report asserting that the AFT had enjoyed “uncommon access” to a draft of the CDC’s document on school opening in early 2021 because it was a “political union” that supported President Biden and Democratic candidates. These claims of “uncommon access” and inappropriate influence were equally false. In fact, approximately 50 organizations were consulted by the CDC while developing its guidance. Moreover, the only two changes requested by the AFT and accepted by the CDC were changes that the Select Subcommittee’s Chair acknowledged

¹ The Select Subcommittee’s staff shared a draft of the chapter on school closures with counsel for AFT over the Thanksgiving holiday. We responded in writing and orally. However, Majority staff and counsel advised us that they were unlikely to make any changes in the school closures chapter based on our comments.

were appropriate. Importantly, the AFT's recommendations to the CDC were drawn from its November 2020 blueprint to reopen schools, which had been released and covered by the press months earlier.² Yet despite the complete collapse of these claims as a result of the Select Subcommittee's own investigation, they have remained a central part of the Select Subcommittee's chapter on school closures, consuming more than half of its 30-pages.

That is because the allegation that the AFT substantially influenced the CDC guidance document was always a pretext for the broader claim that the AFT's agenda was to keep schools closed as long as possible. That claim is elaborated in the Select Subcommittee's Report and ignores the overwhelming evidence that the AFT's goals throughout the pandemic were to re-open schools safely, with appropriate safeguards to protect students, teachers, and their families. From the onset of the pandemic in February 2020, the AFT consistently acted to protect the health and wellbeing of this nation's students, families, educators, health care personnel, and public employees. Its actions included fighting for resources to keep families fed, providing Wi-Fi to families needing tools to communicate, purchasing personal protective equipment (PPE), and advocating for the tools and conditions for safe in-person learning.

It is indeed unfortunate that the Select Subcommittee majority completely ignores near monthly public recommendations by Ms. Weingarten and the AFT in 2020 and 2021 to resume in-person learning, and a prominent May 2021 \$5 million "Back to School for Everyone" national campaign, headlined by a May 2021 address by Ms. Weingarten in which she concluded, "There is no doubt: Schools must be open. In person. Five days a week."³

The Select Subcommittee's chapter contains nine "findings" ranging from obvious ("The American Federation of Teachers is Not a Scientific or Medical Organization") to three findings on the long-term and disturbing consequences of extended school closures on 1) academic performance, 2) the mental and behavioral health of students, and 3) the physical health of students. It is sad and telling that the space devoted to discussing these consequences and what to do about them is a fraction of the space devoted to its false narrative about the AFT. Most disturbingly, the school closures chapter contains not one word about what should be done to ameliorate the damage caused by the pandemic.

From the beginning, the AFT has made clear that it welcomed joining the Select Subcommittee in a good-faith effort to try to learn lessons from the bitter experience of the COVID-19 pandemic and support initiatives designed to address the enduring harms it caused. That would include addressing student learning loss and loneliness,

² See, e.g., Randi Weingarten, *A blueprint to safely open schools*, The Hill (Nov. 30, 2020), available at <https://thehill.com/opinion/education/528004-a-blueprint-to-safely-open-schools/>.

³ *Id.*

promoting literacy, investing in immersive tutoring, and other initiatives that the AFT has supported. Unfortunately, the Select Subcommittee has utterly failed to do so. Its work on this issue is a colossal missed opportunity.

The Select Subcommittee's Revisionist History of School Closures During the Coronavirus Pandemic

After a two-year investigation, the House Select Subcommittee on the Coronavirus has produced a Report of more than 500 pages on multiple aspects of the coronavirus pandemic. One chapter of its Report is devoted to the issue of school closures.⁴ Instead of seizing the opportunity to use lessons learned from this pandemic to make recommendations for the future on how to prioritize young people, their safety and their schooling in the event there is ever another pandemic or long-term emergency, the Select Subcommittee continues, in the school closure chapter, with its single-minded political campaign to blame extended school closures on the American Federation of Teachers (AFT), which in April 2020 was the first organization to publish a report advocating for safe, school reopening. The Select Subcommittee's narrative has been guided by politics and diversion rather than the facts and problem solving. Its silence about anything that happened from January 2020 to January 19, 2021 speaks volumes. It represents the triumph of political calculation over the interests of the American people and students. The absence of forward-looking recommendations for school closures during a pandemic based on real rather than invented facts represents a colossal missed opportunity to better prepare for and tackle future public health emergencies.⁵

I. Background

On January 5, 2023, the House of Representatives, with a new Republican majority, passed House Resolution 5 that established the House Select Subcommittee on the Coronavirus Pandemic ("Select Subcommittee"). The Select Subcommittee was authorized to investigate nine issues relating to the pandemic, ranging from its origins to how to prepare for future pandemics. The issues included, among other things, "the societal impact of decisions to close schools, how the decisions were made and whether there is evidence of widespread learning loss or other negative effects as a result of these decisions;" and "executive branch policies, deliberations, decisions, activities, and internal and external communications related to the coronavirus pandemic."⁶

⁴ On November 26, the Majority staff made available for our review and comment the 30-page draft chapter on school closures but not the rest of the draft report. It imposed a three-day deadline over the Thanksgiving holiday. We provided comments in writing on November 29 and orally on November 30. We do not know whether our comments have resulted in any changes to the report.

⁵ The Majority's recommendations have not been shared with counsel for AFT, but we were advised that that the bulk of the Majority's recommendations would be directed to the CDC and any recommendations relating to school closures had not yet been finalized.

⁶ H.R. Res. 5, 118th Cong. (2023).

On March 28, 2023, the Select Subcommittee posted on its website a collection of letters sent to 15 organizations, including the American Federation of Teachers (“AFT”). The letters all concerned the February 2021 publication by the Centers for Disease Control and Prevention (“CDC”) of its “Operational Strategy for K-12 through Phased Mitigation,” (the “Operational Strategy”).⁷

The letters were ostensibly designed to advance the portion of the Select Subcommittee’s investigative mandate relating to the societal impact of school closures and the actions by the executive branch relating to the pandemic, including its preparation and release of the Operational Strategy. The letters to the 15 organizations were startling because they asserted the Select Subcommittee’s conclusions about AFT’s alleged involvement in the process leading to the release of the Operational Strategy at the outset of its investigation, rather than basing conclusions on the evidence yielded by the investigation.

In March 2023, those conclusions, based on excerpts from a single transcribed interview and a smattering of documents released by the CDC,⁸ were that the AFT:

- Was granted “uncommon access” to a draft of the Operational Strategy.
- Was provided an opportunity to substantially edit and revise the document, including “making line-by-line additions,” which was asserted to be exceedingly rare if not unprecedented.
- Shifted the CDC’s guidance to “align with AFT’s agenda—keeping schools closed.”⁹

II. The Investigation

Over the past 21 months, the Select Subcommittee’s investigation on the issue of school closures included three public hearings devoted in whole or in part to the Operational Strategy and school closures. In addition, it included the collection of

⁷ See *Letters*, H. Comm. on Oversight & Reform, available at <https://oversight.house.gov/letter/?f-post-month=03&f-post-year=2023>.

⁸ See Staff Report, Select Subcomm. on the Coronavirus Crisis (Minority), 117th Cong., Interim Findings: Union Officials Wrote Key Portions of the Biden Administration’s School Reopening Guidance (Mar. 30, 2022), available at <https://oversight.house.gov/wp-content/uploads/2022/03/AFT-CDC-Interference-Interim-Report-3-30-2022.pdf>.

⁹ See, e.g., Letter from Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability, et. al., to Ms. Randi Weingarten, President, American Federation of Teachers (March 28, 2023), at 1, available at <https://oversight.house.gov/wp-content/uploads/2023/03/2023.03.28-BRW-Letter-to-AFT-Re.-CDC-School-Guidance.pdf>.

thousands of pages of documents, and transcribed interviews of senior AFT personnel, as well as CDC personnel.

The Majority report's chapter on school closures deliberately obscures the fact that the first two conclusions – the claim of “uncommon access” by the AFT and the irregularity of the CDC's acceptance of two of the AFT's specific comments – were thoroughly undermined and refuted by the investigation. As to the first discredited conclusion, the Majority's investigation demonstrated that AFT's access to the draft Operational Strategy was far from uncommon; to the contrary, the CDC provided access to approximately 50 organizations, including many that had access prior to the AFT. As to the second discredited conclusion, AFT provided two specific suggestions that were incorporated by the CDC, were common sense revisions, and which the Select Subcommittee's Chair said he agreed with.

Having lost two of the three legs of its conclusions regarding the AFT's alleged influence, the Majority's Report spends much of its school closures chapter attempting to support its conclusion that the AFT's two accepted comments (which, again, Chairman Wenstrup agreed with) changed the CDC's guidance to “align with AFT's agenda – keeping schools closed.” The shift in the guidance was significant but hardly transformative; more importantly, it was about keeping schools open, and implementing the mitigations that would decrease both fear and illness. Keeping schools closed was never AFT's agenda, and the Select Subcommittee's Majority knows it.

This highly politicized effort of the Republican members of the Select Subcommittee to rewrite the history of school closures, and to portray teachers and their unions during the pandemic as culprits, predates the work of the last 21 months. Indeed, for the past four years, Republican members of the Select Subcommittee – first when Republicans were in the Minority and now as the Majority – have been trying to pin responsibility for school closures, and the undeniable harm to students, on the AFT. To do so, GOP members have ignored facts demonstrating that the AFT has been a consistent and responsible advocate for safely opening schools and keeping them open. In ignoring those facts, GOP members have continued to pursue a narrative whose factual underpinnings collapsed long ago.

III. Early Effects of the Pandemic and Initial Public Guidance

Regrettably, the effort to scapegoat teachers and their unions for broad societal problems has become a part of our political landscape. Educators in America have always been undervalued and underpaid. Long before COVID-19, educators dealt every day with

- crushing workloads;

- insufficient support, resources, and working conditions;
- inadequate compensation, often compounded by student loan debt;
- a political climate that weaponizes education;
- the threat of gun violence; and
- a fundamental lack of professional respect.

Prior to the pandemic, an average of close to 300,000 teachers were leaving the profession each year, leading to a serious shortage of teachers and school staff.¹⁰

Since 2020, COVID-19 has claimed the lives of more than 1.2 million Americans. More than 200,000 children have lost one or both parents to the virus.¹¹ Although the specter of COVID-19 has diminished, no one should forget that it dominated the lives of everyone in this country in 2020. Illness, death, uncertainty, and misinformation permeated everyday life for most Americans. As a result, there were real and legitimate fears about children returning to in-person learning without adequate safeguards. While the Majority's Report cites to data showing that children carry lower viral loads than adults, the Majority's use of this data is an obvious exercise in 20-20 hindsight, pretending that what may be clear now was equally clear then. The American Medical Association has stated that closing schools was likely an effective way of cutting transmission prior to the widespread availability of safe and effective vaccines, and that policymakers should carefully consider the variable of school closures when another pandemic strikes.¹² That guidance is nowhere referred to in the Majority report.

¹⁰ American Federation of Teachers, *Here Today, Gone Tomorrow? What Americas Must Do to Attract and Retain the Educators and School Staff Our Students Need*, Report from the AFT Teacher and School Staff Shortage Task Force (2022), available at <https://www.aft.org/sites/default/files/media/2022/taskforcereport0722.pdf> (citing Elka Torpey, *Projections for teachers: How many are leaving the occupation?*, U.S. Bureau of Labor Statistics Career Outlook, Oct. 2018); see also Moriah Balingit, *Teacher shortages have gotten worse. Here's how schools are coping.*, Washington Post (Aug. 24, 2023), <https://www.washingtonpost.com/education/2023/08/24/teacher-shortages-pipeline-college-licenses/>.

¹¹ Tori DeAngelis, *Thousands of kids lost loved ones to the pandemic. Psychologists are teaching them how to grieve, and then thrive*, American Psychological Association (Oct. 1, 2022), available at <https://www.apa.org/monitor/2022/10/kids-covid-grief>.

¹² American Medical Association, *Study sheds light on SARS-CoV-2 transmission in homes with kids* (2023), available at <https://www.ama-assn.org/delivering-care/public-health/study-sheds-light-sars-cov-2-transmission-homes-kids>.

IV. The Role Played by the AFT During the Pandemic

Despite the facts and evidence demonstrating that, beginning at the very outset of the pandemic, the AFT worked with parents and communities to safely reopen schools and other institutions vital to the nation's social and economic health, the Majority's Report comes to the opposite conclusion. The conclusion is driven by politics, not evidence. As the AFT previously shared with the Select Subcommittee, as early as April 2020, it released a school reopening plan developed in conjunction with health and education experts and AFT members.¹³ In the same month, AFT president Randi Weingarten published an op-ed together with former Education Secretary John King describing the shortcomings of remote education and pushing for multi-week summer school to address anticipated learning loss.¹⁴ The very next month, in May 2020, the AFT held a town hall to discuss and build support for the reopening plan.¹⁵ Ms. Weingarten was also appointed to New York State's Reimagine Education Advisory Council, which was charged with safely reopening and reinventing schools.¹⁶ None of this is acknowledged in the Majority's chapter on school closures.

A few months later, in July 2020, the AFT joined with the National Education Association, the American Academy of Pediatrics, and the School Superintendents Association to push for the resumption of in-person schooling at the start of the 2020-2021 school year.¹⁷ The AFT also disseminated a contemporaneous nationwide survey of 1,200 K-12 educators, paraprofessionals, and higher education faculty and staff that found seventy-six percent of respondents were comfortable going back to school if key safety precautions were met.¹⁸ Consistent with this agenda, in November 2020, the AFT

¹³ American Federation of Teachers, *A Plan to Safely Reopen America's Schools and Communities* (2020), available at https://www.aft.org/sites/default/files/media/2020/covid19_reopen-america-schools.pdf.

¹⁴ John King and Randi Weingarten, *What comes next for public schooling*, The Hill (Apr. 24, 2020), available at <https://thehill.com/opinion/education/494521-what-comes-next-for-public-schooling>.

¹⁵ American Federation of Teachers, *Latest town hall dives into AFT's reopen plan* (May 7, 2020), available at <https://www.aft.org/news/latest-town-hall-dives-afts-reopen-plan>.

¹⁶ New York States Governor's Press Office, *Amid Ongoing COVID-19 Pandemic, Governor Cuomo Announces Members of the Reimagine Education Advisory Council* (May 8, 2020), available at <https://www.governor.ny.gov/news/amid-ongoing-covid-19-pandemic-governor-cuomo-announces-members-reimagine-education-advisory>.

¹⁷ American Federation of Teachers, *Pediatricians, Educators and Superintendents Urge a Safe Return to School This Fall* (July 10, 2020), available at <https://www.aft.org/press-release/pediatricians-educators-and-superintendents-urge-safe-return-school-fall>.

¹⁸ American Federation of Teachers, *New Data Shows Majority of Educators Willing to Go Back to School if Key Safety Conditions Are Met* (July 7, 2020), available at <https://www.aft.org/press-release/new-data-shows-majority-educators-willing-go-back-school-if-key-safety>.

published a new blueprint to reopen schools.¹⁹ And in January 2021, Ms. Weingarten, and the head of the Rockefeller Foundation, Dr. Rajiv Shah, whose foundation was doing much work in helping address the pandemic and its consequences, published an op-ed discussing how to reopen schools – with testing and proper ventilation – *before* everyone was vaccinated. None of this is acknowledged in the Majority’s chapter on school closures.

School reopening efforts by the AFT and Ms. Weingarten continued in 2021 and beyond, including after the CDC released the Operational Strategy in February 2021.

For example:

- In January 2021, Ms. Weingarten joined Dr. Rajiv Shah of the Rockefeller Foundation to write an op-ed saying that schools could reopen with comprehensive testing even before the vaccine was widely available;²⁰ the next month, Ms. Weingarten reiterated on Boston Public Radio her position that while vaccines were a priority, they were not a precondition for school reopening.²¹
- Also in February 2021, the New York Times published a profile titled “The Union Leader Who Says She Can Get Teachers Back in School,” which reported on Ms. Weingarten’s call for schools to reopen, in person, as soon as possible.²²

¹⁹ Randi Weingarten, *A blueprint to safely open schools*, The Hill (Nov. 30, 2020), available at <https://thehill.com/opinion/education/528004-a-blueprint-to-safely-open-schools/>.

²⁰ Dr. Rajiv J. Shah and Randi Weingarten, *With robust testing, we can open schools this spring before the vaccine is widely available*, USA Today (Jan. 24, 2021), available at <https://www.usatoday.com/story/opinion/2021/01/24/re-opening-schools-precautions-and-testing-column/6661567002/>.

²¹ Aidan Connelly, *Teachers Union President Weingarten: Vaccinations Aren’t ‘Precondition’ For School Reopening, But Need To Be Priority*, GBH (Feb. 5, 2021), available at <https://www.wgbh.org/news/education-news/2021-02-05/teachers-union-president-weingarten-vaccinations-arent-precondition-for-school-reopening-but-need-to-be-priority>.

²² Dana Goldstein, *The Union Leader Who Says She Can Get Teachers Back in Schools*, The New York Times (Feb. 8, 2021), available at <https://www.nytimes.com/2021/02/08/us/schools-reopening-teachers-unions.html>.

- Later that month, on NBC's Meet the Press, Ms. Weingarten again issued a call for in-person learning, arguing that if the NFL could resume in-person football games, schools could resume in-person classes.²³
- In March 2021, Ms. Weingarten wrote an op-ed with Harlem Children's Zone leader Geoffrey Canada to underline "the need not just to return to in-person teaching and learning, but to re-imagine learning beyond COVID-19."²⁴
- Also in March 2021, The Atlantic published a piece on schools reopening, noting that Ms. Weingarten "had been talking about a way to resume face-to-face instruction since a few weeks into the pandemic."²⁵
- In August 2021, Ms. Weingarten told Chuck Todd of NBC that the union was prepared to work with, not against, employers on vaccination mandates to ensure schools stay open.²⁶
- In December 2021, The New York Times published a profile of Ms. Weingarten, writing that "those who fault Weingarten for closed schools misunderstand the role she's played over the past 20 months. Rather than championing shutdowns, she's spent much of her energy, both in public and behind the scenes, trying to get schools open."²⁷
- In January 2022, the Washington Post reported that Ms. Weingarten had been "delivering a message for months that schools need to be open."²⁸ Later in

²³ NBC News, *Full Interview Teacher Union Pres.: 'There's no perfect solution' to reopening schools* (Feb. 21, 2021), available at <https://www.nbcnews.com/meet-the-press/video/full-interview-teacher-union-pres-there-s-no-perfect-solution-to-reopening-schools-101356613515>.

²⁴ Geoffrey Canada and Randi Weingarten, *Let's all rally for schoolkids: Education leaders unite, seek results and equity for COVID generation*, N.Y. Daily News (March 17, 2021), available at <https://www.nydailynews.com/2021/03/17/lets-all-rally-for-schoolkids-education-leaders-unite-see-results-and-equity-for-covid-generation/>.

²⁵ Edward-Isaac Dovere, *Democrats Are Failing the Schools Test*, The Atlantic (Mar. 24, 2021), available at <https://www.theatlantic.com/politics/archive/2021/03/biden-democrats-school-reopening-politics/618378>.

²⁶ NBC News, *Full Weingarten Interview: 'Not a new thing to have immunizations in schools'* (Aug. 8, 2021), available at <https://www.nbcnews.com/meet-the-press/video/full-weingarten-interview-not-a-new-thing-to-have-immunizations-in-schools-118137413897>.

²⁷ Michelle Goldberg, *We Desperately Need Schools to Get Back to Normal*, The New York Times (Dec. 17, 2021), available at <https://www.nytimes.com/2021/12/17/opinion/randi-weingarten-schools.html>.

²⁸ Laura Meckler, *Classes cancelled for second day after chicago teachers vote to defy in-person learning order*, The Washington Post (Jan. 5, 2022), available at <https://www.washingtonpost.com/education/2022/01/05/chicago-teachers-union-classes-cancelled-covid>.

January, the New York Times ran a follow-up piece, “Randi Weingarten Still Wants Schools Open,” reiterating that stance.²⁹

Concurrently with the AFT and Ms. Weingarten’s vocal advocacy of school reopening, in February 2021, the AFT published data showing that more than eight out of ten AFT educators supported a return to in-person learning with safety guardrails in place.³⁰ Just two months later, in April 2021, the AFT championed data showing that the overwhelming majority of educators were back to teaching in person. Notably, while Ms. Weingarten and the AFT advocated for school reopening, contemporaneous data showed that parental preferences varied widely, with the largest group preferring home learning full time, and others preferring either part- or full-time in-person learning.³¹ Said otherwise, the AFT took the position that schools should reopen not because doing so was easy or politically expedient, but rather because it was in the best interest of students.

The AFT did more than publicly advocate for school reopening. For instance, in May 2021, the AFT invested \$5 million in a “Back to School for Everyone” national campaign to assist in reopening schools across the country,³² headlined by a May 2021 address by AFT president Ms. Weingarten in which she concluded, “There is no doubt: Schools must be open. In person. Five days a week. With the space and facilities to do so. We know that’s how kids learn best and that prolonged isolation is harmful.”³³ Ms.

²⁹ Michelle Goldberg, *Randi Weingarten Still Wants Schools Open*, The New York Times (Jan. 10, 2022), available at <https://www.nytimes.com/2022/01/10/opinion/omicron-school-closures.html>.

³⁰ American Federation of Teachers, *New Poll Shows America’s Teachers want to return to Classrooms amid Growing Confidence in Safety Guardrails* (Feb. 16, 2021), available at <https://www.aft.org/press-release/new-poll-shows-americas-teachers-want-return-classrooms-amid-growing>.

³¹ Matt Barnum, *Polls show most – though not all – parents are getting the type of instruction they want for their kid*, Chalkbeat (Feb. 18, 2021), available at <https://www.chalkbeat.org/2021/2/18/22289735/parents-polls-schools-opening-remote/>; see also Eliza Shapiro, *Most families of color have chosen remote learning over in-person return to NYC schools* (Dec. 8, 2020), The New York Times, available at <https://www.nytimes.com/2020/12/08/world/most-families-of-color-have-chosen-remote-learning-over-an-in-person-return-to-nyc-schools.html>.

³² American Federation of Teachers, *Back to School for All: Return, Recover and Reimagine* (May 16, 2021), available at <https://www.aft.org/column/back-school-all-return-recover-and-reimagine>.

³³ American Federation of Teachers, *In Major Speech, Randi Weingarten Reimagines Public Education as Nation Emerges from COVID Crisis* (May 13, 2021), available at <https://www.aft.org/press-release/major-speech-randi-weingarten-reimagines-public-education-nation-emerges>.

Weingarten's speech was widely covered³⁴ and reiterated in an interview the next day with MSNBC's Andrea Mitchell.³⁵

More recently, the AFT announced another \$5 million campaign, entitled "Real Solutions for Kids and Communities," with a five-part agenda that includes a sharp focus on reading, experiential learning, mental health, the expansion of community schools, and ensuring needed resources for students, teachers, and schools.³⁶ Because the AFT has always recognized that children learn best in person, the safe reopening of schools was one of the AFT's top priorities from the very beginning of the pandemic.

The Majority's Report chooses to ignore this rich and clear history of the AFT's and Ms. Weingarten's support for safely reopening schools. Instead, it asserts the following:

While AFT and Ms. Weingarten have attempted to rewrite history by arguing that we were always trying to reopen the schools, this simply is not true. AFT continually pushed for school closures throughout the pandemic. Restricting in-person schooling was always the default--not the alternative--mitigation measure underlying AFT positions.³⁷

In a chapter containing 147 footnotes to support various claims, these assertions stand alone as those that were assigned a footnote number but contained no supporting sources. As the near monthly push for in-school instruction outlined above makes clear, this was a political conclusion in desperate search for factual support and in direct contradiction with Ms. Weingarten and the AFT's widely publicized school reopening efforts.

³⁴ Juan Perez Jr., *Teachers union leader calls for 'fully reopening' schools this fall*, Politico (May 13, 2021), available at <https://www.politico.com/news/2021/05/13/teachers-union-leader-full-school-reopening-488032>; Chalkbeat, *Head of national teachers union calls for in-person learning five days a week in fall* (May 13, 2021), available at <https://www.chalkbeat.org/2021/5/13/22434244/teachers-union-aft-weingarten-school-reopening-fall>; Dana Goldstein, *President of Key Teachers' union Shares Plea: 'Schools Must Be Open' in Fall* (May 13, 2021), The New York Times, available at <https://www.nytimes.com/2021/05/13/us/reopening-schools-teachers-union.html>.

³⁵ MSNBC, *Randi Weingarten pushes to reopen schools safely in the fall* (May 14, 2021), available at <https://www.msnbc.com/andrea-mitchell-reports/watch/randi-weingarten-pushes-to-reopen-schools-safely-in-the-fall-111968325994>.

³⁶ Randi Weingarten, President, American Federation of Teachers, *Remarks to the AFT TEACH Conference* (July 21, 2023), available at <https://www.aft.org/press/speeches/real-solutions-kids-and-communities>.

³⁷ Draft Report at p. 5 of School Closures chapter ("Draft Report").

V. The GOP's Ongoing Campaign to Scapegoat the AFT

A. The Scalise Letter

The Majority's attempt to scapegoat the AFT for the tragic educational consequences of the pandemic has continued for more than three years. In May 2021, Steve Scalise, the then-ranking member of the Select Subcommittee, wrote to CDC Director Rochelle Walensky alleging that the AFT "apparently pressur[ed] the CDC to amend its school reopening guidance to exclude full reopening of classrooms," and that President Biden "bowed down to the bosses at the AFT rather than following the science and standing up for what is best for young students." Not satisfied with this baseless and incendiary allegation, Scalise went further, suggesting that perhaps the AFT, not the CDC, was responsible for drafting the Operational Strategy.³⁸ This was the opening salvo in the ongoing campaign to malign the AFT and ignore the facts.

The Scalise letter went on to state, again falsely, that the AFT does not consider in-person learning to be critical for children, and that the CDC's draft guidance would have allowed more schools to reopen before "the AFT was able to successfully bully the public health experts at the CDC into politicizing the guidance."³⁹ There was no evidence to support such wild allegations at the time, and the allegations have aged poorly.

B. The March 2022 Staff Report

On March 30, 2022, the then-Minority of the Select Subcommittee issued an 11-page Staff Report ("Minority 2022 Staff Report") perpetuating the false narrative that the AFT had played a central role in drafting the Operational Strategy. Its title was "Interim Findings: Union Officials Wrote Key Portions of the Biden Administration's School Reopening Guidance," but it supported no such conclusion. Through selective quotations from the interview of a single CDC witness, it claimed that CDC's consultation with the AFT was "uncommon," and that the CDC staff "indicated a willingness to accept near verbatim edits to the Operational Strategy," positioning the union "to impose line-by-line edits to the Operational Strategy on at least two separate occasions."⁴⁰

³⁸ See Letter from Hon. Steve Scalise, Ranking Member, Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform, et. al., to Dr. Rochelle Walensky, Dir., Cents. for Disease Control and Prevention (May 11, 2021), at 2, available at <https://oversight.house.gov/wp-content/uploads/2021/05/Letter-to-CDC-Re.-Union-Interference-051121.pdf> ("[M]any local jurisdictions refuse to fully reopen, citing the CDC guidance as a crutch. We now know this guidance, was influenced, and possibly even written by, the AFT.").

³⁹ See *id.* at 3.

⁴⁰ Staff Report, Select Subcomm. on the Coronavirus Crisis (Minority), 117th Cong., Interim Findings: Union Officials Wrote Key Portions of the Biden Administration's School Reopening Guidance (Mar. 30,

In fact, as the Majority’s own subsequent investigation has demonstrated, the CDC accepted the substance of only two changes to the Operational Strategy proposed by the AFT, and expressly rejected other suggestions.

- The first change was to encourage schools and school districts to provide accommodation options for teachers and staff who had documented high-risk conditions or who were at increased risk for severe illness or death if they contracted the virus. Those options included potential reassignment, telework, modified job responsibilities, or scheduling flexibility, among others. The AFT suggested, and the CDC agreed, that those options should be formulated in consultation with occupational medicine and human resources professionals.⁴¹
- The second change suggested by the AFT was to add common-sense language that in the event a new variant of the coronavirus substantially elevated transmission rates, the guidance might need to be revised.⁴²

The Minority 2022 Staff Report’s complaint was less about the specifics of the two modest changes proposed by the AFT, but instead the assertion – subsequently disproven – that the AFT had been granted “uncommon access” not provided to other organizations based solely on the fact that it was a “political union” that supported President Biden and Democratic candidates.

The claim of “uncommon access” was based almost exclusively on statements made during the Select Subcommittee’s February 18, 2022, interview of CDC employee Dr. Henry Walke. The Minority 2022 Staff Report made its case by cherry-picking statements from Dr. Walke’s testimony, while ignoring his other statements and context that undermined the GOP’s theory that it was inappropriate for outside groups to have access to drafts of the Operational Strategy. Indeed, Dr. Walke acknowledged that there are instances where line-by-line edits, despite being uncommon, would be appropriate under the circumstances because the CDC’s ultimate goal in releasing guidance is to provide clarity and to be helpful to the American public.⁴³

2022) at 2, 3, 5, available at <https://oversight.house.gov/wp-content/uploads/2022/03/AFT-CDC-Interference-Interim-Report-3-30-2022.pdf>.

⁴¹ Operational Strategy for K-12 Schools Through Phased Mitigation, Cents. for Disease Control & Prevention (Feb. 12, 2021), at 23.

⁴² *Id.* at 24.

⁴³ Interview by Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform with Dr. Henry Walke, Dir., Cents. for Disease Control & Prevention Off. of Readiness and Response (Feb. 18, 2022), 83:2037-55.

C. The Refutation of “Uncommon Access” and Undue Influence

Documents produced by the AFT to the Select Subcommittee thoroughly undermined the GOP narrative of the AFT’s “uncommon access” and undue influence. Instead, they reflected that the AFT received the Operational Strategy shortly before it was originally scheduled to be released, and that the two recommendations described above were adopted.

Specifically, the documents produced by the AFT reflect that on January 27, 2021, Kelly Nedrow, AFT’s Senior Director for Health Issues, learned that the CDC was close to releasing its updated guidance for reopening schools.⁴⁴ These documents make clear that Ms. Nedrow had at that point not seen the draft Operational Strategy; other documents establish that no one within the AFT had seen a draft. The next day, Marla Ucelli-Kashyap, AFT’s Senior Director for Education Issues, forwarded to members of her staff an article from *Politico* suggesting that CDC guidance on school openings could be issued as early as the following day, January 29; she asked that AFT staff members be prepared to review the guidance immediately upon its release.⁴⁵

The documents further reflect that on the afternoon of January 29, 2021, AFT President Randi Weingarten spoke with CDC Director Rochelle Walensky about the forthcoming CDC strategy. Because no one at the AFT had obtained the draft Operational Strategy itself, notes prepared for Ms. Weingarten’s use during the call were at a high level of generality. The notes recommended addressing several issues, all of which were aimed at confidently and safely reopening schools and keeping them open, and all of which had already been published as part of the AFT’s November 2020 blueprint to safely reopen schools:⁴⁶

- the need for robust testing,
- the importance of physical distancing,
- the need to enhance recommendations on masking,
- a closure trigger,
- the importance of constituting local stakeholder committees, and

⁴⁴ AFT_EXT0000289.

⁴⁵ AFT_EXT0000303.

⁴⁶ See, e.g., Randi Weingarten, *A blueprint to safely open schools*, The Hill (Nov. 30, 2020), available at <https://thehill.com/opinion/education/528004-a-blueprint-to-safely-open-schools/>.

- the need for accommodations for staff members – or members of their households – who were at high risk of serious illness if they contracted COVID-19.⁴⁷

During the call, Director Walensky specifically requested language on the accommodations issue but nothing else.⁴⁸ Unknown to Ms. Weingarten and other AFT personnel, many of the other issues highlighted in the notes prepared for Ms. Weingarten had already been addressed in the draft guidance.

Later that day, the AFT finally obtained a copy of the Operational Strategy – more than a week after it had been provided to other groups, and after the CDC had held a forum on the draft guidance to which the AFT was not invited. This evidence, which shows that other outside groups reviewed the CDC draft guidance before the AFT, has been in the possession of the Select Subcommittee for well over a year. However, the Majority has never bothered to correct its misrepresentations.

After receiving the draft late in the day Friday, January 29, the AFT staff reviewed the document and noted the areas in which the AFT believed schools could be reopened safely, and where it needed some clarification. Although AFT staff was relieved that the draft guidance incorporated layered mitigation strategies that protected students and staff from transmission, they were concerned that the draft lacked language on accommodations and opening and closing triggers.⁴⁹ On Monday, February 1, AFT senior leaders shared their reaction to the draft guidance with CDC personnel. At the time, according to documents produced to the Select Subcommittee, the AFT was told that the Operational Strategy would be released two days later. AFT personnel provided the accommodations language to the CDC by email on February 1.⁵⁰

In its detailed summary of this chronology, the Majority Report presents snippets of the sworn interview testimony of two CDC employees – Dr. Henry Walke and Dr. Greta Massetti – and makes much of the fact that they both characterized their discussions with AFT staff as “difficult.” But the substance of their testimony more benignly suggests that the CDC was not prepared to accept all of the AFT’s requested changes to the Operational Strategy because of limitations on the CDC’s authority and honest disagreements about what was necessary to reopen schools safely. The Majority’s Report implies that there is something inappropriate about AFT staff

⁴⁷ Draft Report at 12 of “School Closures” chapter.

⁴⁸ AFT_EXT0000087; AFT_EXT0000179.

⁴⁹ AFT_EXT0000304; AFT_EXT0000313.

⁵⁰ AFT_EXT0000130.

reiterating concerns made public months before about what was necessary to ensure the safety of children and educators in schools.⁵¹

The release of the Operational Strategy was delayed for reasons not communicated to the AFT. As a result, on February 11, Kelly Nedrow wrote to Director Walensky requesting two additional changes. One was a recommendation that if there were changed circumstances—*i.e.*, the development of a new variant of the virus—an update to the guidelines would be in order. The second was that, in order to provide clear guidance to school administrators and comfort to concerned parents and educators, the guidance should include closure triggers—*i.e.*, an objective standard for determining when a school should be temporarily closed based on positive test cases.⁵² As Ms. Nedrow explained in her email to Director Walensky, such triggers are important because they “instill some degree of confidence for those who are hesitant about returning to school[,] . . .bolster[] transparency and . . . ensur[e] parents and administrators can plan for a surge” like those being observed in Europe at the time.⁵³ Indeed, such a trigger was already viewed as a critically important part of reopening by others, including New York State’s Reimagine Education Advisory Council formed by former Governor Cuomo shortly after the pandemic’s inception. The following day, the Operational Strategy was publicly released. The suggestion about the potential need to revise the guidance was accepted; the suggestion for the inclusion of closure triggers was rejected.⁵⁴

Thus, by the time the Operational Strategy was issued on February 12, 2021, the AFT’s limited attempt to influence the document consisted of:

- a single conversation with the CDC Director in which the AFT made recommendations;
- a limited (and belated when compared to other stakeholders) copy of the draft guidance;
- offering three suggestions on ways to improve it—only two of which were adopted in substance by the CDC and incorporated in the Operational Strategy, and all three of which had been publicized by the AFT prior to its conversations with the CDC.

⁵¹ Draft Report at 16-17.

⁵² AFT_EXT0000227.

⁵³ *Id.*

⁵⁴ Operational Strategy for K-12 Schools Through Phased Mitigation, Cents. for Disease Control & Prevention (Feb. 12, 2021).

By contrast, evidence was presented indicating several organizations had been provided with the draft guidance *as much as a week before AFT*. Additionally, AFT was excluded by the CDC from a forum convened by CDC to discuss the draft guidance. Even so, when the Select Subcommittee’s letters to the AFT and 14 other organizations were transmitted on March 28, 2023, it was the AFT that was falsely singled out as having had “uncommon access” to the draft, alleged to have made “line-by-line additions” to the guidance, and falsely accused of having tried to implement an agenda to keep schools closed.⁵⁵ Indeed, the documents make clear that senior AFT officials had no inside knowledge of any kind about even the broad contours of the Operational Strategy, much less any specifics about it.

In fact, the Select Subcommittee’s investigation established that multiple outside organizations had received drafts of the Operational Strategy close to a week before AFT was even aware that the CDC was poised to release it. During the June 2023 transcribed interviews of AFT officials, they were shown documents demonstrating that organizations – including, but not limited to, the National Association of County and City Health Officials and the Association of Public Health Laboratories – received full drafts of the Operational Strategy before the AFT was aware its release was imminent.⁵⁶ Even so, the Majority only grudgingly gives ground on its completely refuted claims of “uncommon access” and outside influence.

On the broader issue of consulting with significant stakeholders, it would have been reckless and irresponsible – indeed, malpractice – for the CDC not to have consulted with stakeholders about a strategy for opening schools during and after an unprecedented health epidemic. Such stakeholders should have included the AFT and other organizations that represent teachers, school administrators, school nurses, public health officials, parents and others, as the CDC in fact did. Far from being

⁵⁵ The recipients of these letters included: National Association of Secondary School Principals, National Association of School Nurses, National Association of State Boards of Education, National Association of Elementary School Principals, National Education Association, National School Boards Association, National Governors Association, National Association of County and City Health Officials, National Parent Teacher Association, Council of State and Territorial Epidemiologists, Council of Chief State School Officers, The Association of State and Territorial Health Officials, Association of Public Health Laboratories, and AASA, The School Superintendents Association. In addition, Director Walensky has publicly stated that the CDC consulted with over 50 outside organizations regarding the Operational Strategy. See Joe Nocera, *CDC Still Getting Interference. This Time From Teachers*, Bloomberg (May 4, 2021), available at <https://www.bloomberg.com/opinion/articles/2021-05-04/cdc-emails-with-teachers-union-show-politics-still-trump-science>.

⁵⁶ Interview by Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability with Marla Ucelli-Kashyap, Senior Director for Education Issues, American Federation of Teachers (June 20, 2023); Interview by Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability with Kelly Nedrow, Senior Director for Health Issues, American Federation of Teachers (June 23, 2023).

inappropriate, such consultations were critical in order to responsibly address the complicated and fraught issue of safely and responsibly reopening schools in the midst of an unprecedented – and unpredictable – global pandemic. A member of the minority captured the absurdity of this accusation in April 2023 saying, “I’ve been to some weird hearings in this Congress, Mr. Chairman, but this one might be the weirdest, because it’s convened in order to accuse a federal agency of the crime of consorting with American citizens.”⁵⁷

D. The Select Subcommittee’s Hearings Regarding School Closures

As mentioned above, the Select Subcommittee held three public hearings on school closures. The first was held on March 28 and was entitled “The Consequences of School Closures: Intended and Unintended,” and featured four witnesses – a journalist, an epidemiologist, the Director of the Education Freedom Center of the Independent Women’s Forum, and the Executive Director of the National Association of School Nurses. The witnesses testified generally about the consequences of school closures. The epidemiologist, Tracy Beth Høeg, coyly suggested based on a *New York Post* article that the CDC’s Operational Strategy, which she viewed as overly restrictive, “may have been based on language requested by the American Federation for [sic] Teachers to the CDC instead of discussions with scientists studying COVID-19 transmission in schools...”⁵⁸ Although the Majority’s Report cites Dr. Høeg approvingly, her conjecture about the extent of AFT’s influence was wrong.

In the second hearing, which took place on April 26, 2023, AFT President Randi Weingarten was the only witness. In the third, which took place on June 13, 2023, outgoing CDC Director Rochelle Walensky was the only witness. None of these hearings advanced the Majority’s narrative that the AFT had “uncommon access” to the draft CDC guidance or made “line-by-line edits” to the draft guidance. Most importantly, they utterly failed to demonstrate that AFT had tried to implement an agenda to keep schools closed. Quite the contrary.

E. The April 26 Hearing

On April 6, 2023, the Select Subcommittee invited Ms. Weingarten to testify in a hearing on April 26. She accepted the invitation without reservation or conditions. In

⁵⁷ *The Consequences of School Closures, Part 2: The President of the American Federation of Teachers, Ms. Randi Weingarten*, Hearing Before the Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability, 118th Cong. (Apr. 26, 2023), Tr. at 38 (hereinafter “April 26 Hearing Tr.”).

⁵⁸ *The Consequences of School Closures: Intended and Unintended*, Hearing Before the Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability, 118th Cong. (Mar. 28, 2023) (statement of Tracy Beth Høeg, Epidemiologist, U.C. San Francisco), available at <https://oversight.house.gov/wp-content/uploads/2023/03/Testimony-3-27-2023-TracyBethHoegFINALv2.pdf>.

advance of the hearing, the AFT produced all documents responsive to the Select Subcommittee’s document requests. In addition, on April 19, the AFT submitted a detailed letter (“the April 19 Letter”) to the Select Subcommittee that reviewed the history of the Majority’s two-year-long media campaign to smear the AFT and Ms. Weingarten and place the blame of pandemic-related school closures and learning losses on teachers, school personnel, and their unions.⁵⁹ The April 19 Letter attempted to correct the record by describing in detail the actual history of the AFT’s efforts to open schools and keep them open, beginning as early as April 2020, and continuing with efforts to resume in-person schooling for the 2020-2021 school year, including the \$5 million “Back to School for Everyone” campaign.⁶⁰

Prior to the April 26 hearing, Ms. Weingarten submitted a detailed written statement.⁶¹ The statement described the specific challenges posed by the pandemic to teachers and school personnel, and the AFT’s creative and resourceful efforts to deal with them, including the heroic acts of many AFT members. The statement included a detailed chronology describing the numerous steps that the AFT, its leadership, and its members took to prioritize the reopening of schools for in-person learning in a safe and sustainable manner.⁶²

In his opening statement at the hearing, Chairman Wenstrup asserted that “Americans are curious to know if [the AFT’s] access was in line with CDC past practice and if their influence had a positive or detrimental impact on America’s children.”⁶³ He went on to misconstrue and selectively quote from documents produced by the AFT to support the argument that the union was advocating practices that would keep schools closed. Chairman Wenstrup’s remarks also conveniently ignored the mountain of evidence demonstrating that the AFT had been working from April 2020, the outset of the pandemic, to open schools safely and keep them open. Chairman Wenstrup ended his opening statement by expressing the hope that:

[W]e can produce a product bipartisan [sic] that will guide future generations so that we may have the ability to predict the next pandemic,

⁵⁹ Letter from Michael R. Bromwich, Counsel to AFT, to Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability, et. al. (April 19, 2023).

⁶⁰ *Id.* at 2-3.

⁶¹ *The Consequences of School Closures, Part 2: The President of the American Federation of Teachers, Ms. Randi Weingarten*, Hearing Before the Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability, 118th Cong. (Apr. 26, 2023) (statement of Ms. Randi Weingarten, President, American Federation of Teachers), available at <https://oversight.house.gov/wp-content/uploads/2023/04/Prepared-Statement-of-AFT-President-Randi-Weingarten.pdf>.

⁶² *Id.* at 5-9.

⁶³ April 26 Hearing Tr. at 2.

prepare for it, protect us from it and maybe even prevent it. . . I pray that today's hearing will produce some of the necessary facts and evidence that this subcommittee may utilize going forward in order to achieve our altruistic goals.⁶⁴

Based on the complete absence of recommendations in the Majority's Report on ameliorating the human costs of school closings, that aspect of the Majority's agenda must be deemed a colossal failure.

In his initial questioning, Chairman Wenstrup made clear that he was more interested in the process issue – “This is a process problem” – than the appropriateness of the AFT's suggestions. Indeed, he acknowledged two different times during the hearing that he agreed with the AFT's suggestions that had been incorporated in the Operational Strategy: “I didn't disagree with the guidelines that you recommended as [Ranking Member Ruiz] inferred [sic]. That was not the case. **I didn't disagree with them.** I just asked about the process.”⁶⁵

Rep. Miller-Meeks, a physician, spent her time arguing that children were at low risk of transmission, a claim subsequently called into question by a scientific study specifically examining this issue.⁶⁶ She impugned the expertise of the numerous experts consulted by the AFT, recited her own scientific and public health credentials, and refused to credit any science-based views that differed from hers. She closed with this statement, remarkable for its combination of ignorance and lack of humility:

But I would say that that the AFT was out of its league in this regard. The effect on the children has been vast, and to have no remorse on closing schools and keeping them closed for the length of time is unconscionable.⁶⁷

What was truly unconscionable was Miller-Meeks's attempt to place blame on the AFT and Ms. Weingarten for the unpredictable and frightening trajectory of the disease and its consequences, and the decisions of local officials throughout the country responsible for deciding when to open and close schools. As Miller-Meeks well knows, the CDC's guidelines were advisory, not compulsory. Therefore, to blame the CDC guidelines for the length and extent of school closures and their tragic consequences was both wrong and disingenuous. Even more wrong and disingenuous was the

⁶⁴ *Id.* at 6.

⁶⁵ *Id.* at 26, 31 (emphasis added).

⁶⁶ See Yi-Ju Tseng et al., *Smart Thermometer-Based Participatory Surveillance to Discern the Role of Children in Household Viral Transmission During the COVID-19 Pandemic*, JAMA Network Open (June 1, 2023), available at <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2805468>.

⁶⁷ April 26 Hearing Tr. at 54. The “out of its league” comment was deemed so profound that it is cited in the Majority's Report. Draft Report at 4 of “School Closures.”

attempt to blame the AFT – particularly in light of its limited role in making suggestions for the guidelines – instead of the true decisionmakers from March 2020 to January 2021, namely President Trump and Secretary DeVos.⁶⁸ The misguided blame game advanced by Rep. Miller-Meeks plays a central role in the Majority’s report.

Attempts by other members of the Majority during the April 26 hearing to show that there was something nefarious or inappropriate about the AFT’s involvement in making limited suggestions to improve the draft Operational Strategy were similarly refuted by the evidence. Some members chose to focus on the tragic consequences of school closures, which no one disputes have been – and continue to be – a national tragedy with lasting consequences. Rather than focusing on ways to remedy and overcome these deficits through sustained, collaborative efforts, they stubbornly clung to the false narrative that the AFT was culpable for these consequences.

The GOP members also pressed the point that because the AFT does not have a battery of scientific and medical experts on its payroll, and instead reached out to – and relied on – numerous highly-qualified consultants, its views on how an unprecedented pandemic affected schools, the educators who teach there, and the children who learn there should be ignored.

- Rep. Michael Cloud, a doctor, pressed the point that because the AFT primarily contributes to Democratic political candidates, that it was somehow disqualified from making substantive suggestions on the Operational Strategy. In his view, consulting a union representing 1.7 million members, many of whom work in the schools the guidance is intended for apparently invalidates its advice, no matter how well-founded.⁶⁹
- Rep. John Joyce, also a doctor, criticized the AFT for not having epidemiologists, immunologists, infectious disease specialists, pediatric infectious disease specialists on its payroll. But when Ms. Weingarten offered on the spot to name the medical and scientific experts with whom the AFT had consulted, Dr. Joyce interrupted Ms. Weingarten and claimed he didn’t

⁶⁸ In fact, as Ranking-member Rep. Raul Ruiz noted during the hearing, the rapid increase in schools opening for full time instruction occurred only after the American Rescue Plan was passed by Congress and signed by President Biden. April 26 Hearing Tr. at 7-8.

⁶⁹ April 26 Hearing Tr. at 65-66.

have time to hear the answer.⁷⁰ The AFT subsequently provided the names of those experts to the Select Subcommittee.⁷¹

As the hearing ended, Chairman Wenstrup repeated that he agreed with the substance of the two AFT suggestions that the CDC had accepted: “As I said to you, the guidelines that I questioned you about as being accepted, I agreed with them. I didn’t have a problem with them. That wasn’t the issue.”⁷²

By the close of the April 26 hearing, several important facts in the Select Subcommittee’s investigation had been established. First, the Trump Administration had failed to provide useful school opening-related guidance during the early stages of the pandemic, sowing confusion and uncertainty. Second, the AFT had prioritized the urgent need to open schools for in-person learning and keep them open as early as April 2020. Third, the CDC had consulted with approximately 50 organizations on its strategy for opening schools and keeping them open. Finally, Chairman Wenstrup agreed with the substance of the AFT’s two suggested changes that the CDC had implemented.

The five-page press release issued by the Majority the day after the hearing – complete with video highlights – bore almost no resemblance to the hearing itself.⁷³ In describing the AFT’s two recommendations incorporated by the CDC in the Operational Strategy, the press release ignored the Chairman’s agreement with the substance of those recommendations. Indeed, contradicting the Chairman’s own views, the release stated, the “AFT’s recommendations to the CDC were unwarranted and detrimental to America’s youth.” In focusing on the AFT’s advocacy of a closure “trigger,” the press release failed to mention that the CDC had rejected that recommendation. In repeating the canard about “uncommon access,” the release failed to note that the CDC had consulted with approximately 50 organizations. In every

⁷⁰ April 26 Hearing Tr. at 75-77.

⁷¹ Although the transcript could not be clearer that Rep. Joyce interrupted Ms. Weingarten before she could provide the names, on May 1 the Chairman falsely claimed on a right-wing radio program that Ms. Weingarten had been *unable* to name those consultants. See *700 WLW’s Bill Cunningham Called ‘Purveyor Of Hate Speech’*, WLWT.com (Nov. 17, 2008), <https://www.wlwt.com/article/700-wlw-s-bill-cunningham-called-purveyor-of-hate-speech/3498713#>

⁷² April 26 Hearing Tr. at 114.

⁷³ Committee on Oversight and Accountability, 118th Cong., *American Federation of Teachers President Randi Weingarten Testifies to Uncommon Influence Over CDC School Reopening Guidance* (Apr. 27, 2023), available at <https://oversight.house.gov/release/american-federation-of-teachers-president-randi-weingarten-testifies-to-uncommon-influence-over-cdc-school-reopening-guidance/>.

respect, the press release ignored the Select Subcommittee’s own hearing and the comments of Chairman Wenstrup.⁷⁴

F. The June 13 Hearing

On May 22, 2023, the Select Subcommittee invited CDC Director Rochelle Walensky to testify at a public hearing, which took place on June 13. The hearing was entitled, “Oversight of CDC Policies and Decisions During the Covid-19 Pandemic,” a substantially broader scope than the two previous hearings that were more narrowly focused on school closures. Prior to the hearing, Director Walensky submitted a detailed written statement that covered a wide range of issues matching the title of the hearing. In the portion of her prepared statement that addressed school closures, Director Walensky made the following points, among others:

- On becoming CDC Director in January 2021, one of her major challenges was “getting kids back in school to prevent learning loss and support their well-being.”
- In January 2021, only 46% of school districts in the country were providing full-time in-person instruction. Director Walensky recognized that schools could be reopened “with strict adherence to layered mitigation strategies” – the same approach championed by the AFT and many other education-focused organizations.
- Releasing the Operational Strategy was “intended to provide broad guidance and serve as a foundation for local decision-making.”
- After the release of the Operational Strategy, the CDC revised the guidance to match emerging science, including the finding that universal masking by schoolchildren could allow them to sit in closer proximity to each other in the classroom.⁷⁵

In her short oral statement at the beginning of the June 13 hearing, Director Walensky stressed that the Operational Strategy had been the product of the hard work of professionals at the CDC, “along with feedback from over 50 organizations and

⁷⁴ Letter from Michael R. Bromwich, Counsel to AFT, to Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability, et. al. (May 11, 2023).

⁷⁵ *Oversight of CDC Policies and Decisions During the COVID-19 Pandemic*, Hearing Before the Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability, 118th Cong. (June 13, 2023) (statement of Dr. Rochelle Walensky, Dir., Cents. for Disease Control & Prevention), available at <https://oversight.house.gov/wp-content/uploads/2023/06/CDC-Testimony-SSCP-6.13.23-Hearing.pdf>.

implementing partners, organizations, and individuals whose engagement we needed, whose participation was essential if school opening was actually going to happen.”⁷⁶

In a remarkable opening statement, immediately after Director Walensky had described how the CDC had responded to real-time scientific information to change its guidance, Chairman Wenstrup alleged that the CDC and Director Walensky had done the opposite – and had “accepted guidance from political organizations” instead of relying on real time scientific data. Referring to the April 26 hearing, Wenstrup stated the following:

Ms. Weingarten testified to having your direct phone number and provided the CDC with line by line edits and received an advance copy of the full internal draft guidance. And some of her edits were even accepted. This level of access is uncommon. The AFT even suggested adding a closure trigger to automatically shut schools down. Even though this specific edit was not accepted, the others that were have had some severe consequences.⁷⁷

This statement was extraordinary in many respects. First, it treated the fact that the head of the CDC and an important stakeholder on the schools opening issue had each other’s phone numbers as something titillating and scandalous as opposed to something routine and appropriate. Moreover, by that time, the AFT had produced all documents and information reflecting limited contacts between Director Walensky and Ms. Weingarten prior to the February 12 release of the Operational Strategy.

Second, the statement continued to push a narrative of “uncommon access” that the Chairman knew – or should have known – by that time to be false. As described above, numerous organizations had received drafts of the Operational Strategy more than a week before the AFT. The 14 other organizations that received document requests on March 28 were directed to produce responsive documents no later than April 11 – a full two months before Director Walensky’s June 13 hearing. Therefore, there is every reason to believe that the Select Subcommittee had the evidence that completely debunked the “uncommon access” assertion long before the Chairman repeated it once again at the June 13 hearing.

When it came time for the Chairman to ask questions, he continued to attack the AFT, focusing on its advocacy of closure triggers, which had been adopted by other organizations releasing guidance on school reopenings and which the CDC had rejected inserting into the Operational Guidance. In fact, his entire line of questioning on the

⁷⁶ *Oversight of CDC Policies and Decisions During the COVID-19 Pandemic*, Hearing Before the Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability, 118th Cong. (June 13, 2023), Tr. at 10 (hereinafter “June 13 Hearing Tr.”).

⁷⁷ June 13 Hearing Tr. at 4.

Operational Strategy established that the AFT was one of the more than 50 organizations that the CDC had consulted, and that far from the AFT having “uncommon access” or political influence, the CDC evaluated the AFT’s suggestions on their merits.

The Majority’s press release issued the day after Director Walensky’s hearing once again bore no relation to the substance of the hearing. Even though discussion of the AFT’s interactions with the CDC and its recommendations occupied only a small portion of the hearing, those interactions were featured prominently in the press release, with two of the “Key Takeaways” listed as:

- “CDC Director Walensky confirmed that the American Federation of Teachers (AFT) promoted prolonged school closures that harmed America’s children.”
- “AFT President Randi Weingarten had a direct line to CDC Director Rochelle Walensky’s personal and professional cellphones – raising further questions about potential political influence at the CDC.”⁷⁸

The first claim was a blatant falsehood – Director Walensky said no such thing and forcefully argued that her goal was to engage with a wide range of stakeholders with the goal of opening schools and keeping them open. As for the allegedly scandalous phone number issue, the Majority by this time knew full well, through records obtained from both the AFT and CDC, that the number of contacts between Director Walensky and Ms. Weingarten during the relevant period was limited and appropriate, and that there was no evidence that the AFT had a role more privileged or influential than the other 50 organizations with which the CDC consulted. Again, the goal of the misleading press release was to keep alive a narrative of improper influence and “uncommon access” that the facts had long since refuted.

G. The Transcribed Interviews of AFT Personnel

On May 4, approximately a week after Ms. Weingarten’s testimony, the Select Subcommittee Majority asked for the AFT to make several of its senior staff members available for transcribed interviews. Transcribed interviews were scheduled on June 20

⁷⁸ Committee on Oversight and Accountability, 118th Cong., *Hearing Wrap Up: Director Rochelle Walensky’s “Professional” Take – CDC Public Policy Decisions Lacked Scientific Support* (June 14, 2023), available at <https://oversight.house.gov/release/hearing-wrap-up-director-rochelle-walenskys-professional-take-cdc-public-policy-decisions-lacked-scientific-support%ef%bf%bc/>.

for Marla Ucelli-Kashyap, AFT's Senior Director for Education Issues, and on June 23 for Kelly Nedrow, AFT's Senior Director for Health Issues.⁷⁹

During her interview, Ms. Ucelli-Kashyap described the AFT's efforts to address the consequences of the pandemic from its earliest days in February 2020. She recalled working on the AFT's initial school reopening plan in April 2020, as well as developing methods, starting in the earliest stages of the pandemic, to provide education to children. In describing the suggestions made by the AFT, she explained that the accommodations language was crucial to enabling teachers and school personnel to fulfill their responsibilities without endangering themselves or members of their families. She observed that the absence of accommodations language was particularly glaring in guidance that was otherwise more comprehensive than anything the CDC had previously issued.⁸⁰ Ms. Ucelli-Kashyap further explained the reasoning behind the AFT's suggestion of the potential need for future revised guidance, noting that the history of the pandemic was marked by the sudden appearance of new variants, and that features of a new variant might well require guidance tailored to those features.⁸¹

In sum, Ms. Ucelli-Kashyap's transcribed interview provided no support for the Majority's claim that the AFT enjoyed "uncommon access." Indeed, it showed that the AFT's interest was, starting in early 2020, the safe reopening of schools and that it was one of scores of organizations consulted by the CDC.

Ms. Nedrow's interview three days later reinforced these points. As AFT's Senior Director for Health Issues, she was intimately involved in advancing the AFT's principal goal of reopening schools safely and responsibly during the pandemic. During her testimony, she confirmed that the AFT consulted with a large number of experts to inform its own views of what steps were best calculated to ensure that schools could reopen safely and remain open.⁸² Ms. Nedrow also described the absence

⁷⁹ The Majority's May 4 letter identified five potential witnesses, including AFT President Weingarten, from whom the Select Subcommittee had heard a week earlier in a public hearing. When AFT counsel pointed out that it was irregular and inappropriate for a witness to sit for a transcribed interview after testifying in a public hearing, that request was dropped. See Letter from Michael R. Bromwich, Counsel to AFT, to Hon. Brad Wenstrup, Chairman, Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability, et. al. (May 5, 2023).

⁸⁰ Interview by Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability with Marla Ucelli-Kashyap, Senior Director for Education Issues, American Federation of Teachers (June 20, 2023). Because the AFT does not have copies of the interview transcripts, the quotations are based on detailed notes taken by AFT counsel during the interview.

⁸¹ *Id.*

⁸² In its questioning, Majority staff appeared to discern a meaningful difference between consulting with experts and having them on staff, even if the substantive advice was the same. And that because the AFT is a labor union, the scientific information it obtains and which informs its recommendations is invalid because the AFT is not itself a scientific or medical organization. This was an apparent attempt to

of helpful guidance released during the Trump Administration. Specifically, Ms. Nedrow recalled that the CDC website was impossible to navigate and contained self-contradictory information – which was consistent with the federal government’s generally disjointed and disorganized response to the pandemic in 2020.⁸³ In contrast, given the Biden Administration’s willingness to engage with relevant stakeholders during the transition period, she and her colleagues had the opportunity to share the most pressing concerns for the AFT and its members.

VI. The Select Committee’s Investigative “Findings”

It is profoundly disappointing that after a lengthy investigation of the issue of school closures – described in some detail above – that has included three public hearings, numerous transcribed interviews, the production of large numbers of documents from various organizations – the Select Subcommittee’s findings on the issue are so completely lacking in factual support and so transparently politically-motivated. We briefly review the “findings” below.

A. FINDING: Long Term School Closures Were Not Supported by Available Science and Evidence.

Long-term closures were never the focus or goal of the AFT. Any suggestion or implication that the AFT advocated for long-term closures is false and contradicted by the AFT’s numerous public statements and advocacy efforts focused on reopening schools safely and sustainably.

As the AFT previously shared with the Select Subcommittee multiple times, as early as April 2020, it released a school reopening plan developed in conjunction with health and education experts and AFT members.⁸⁴ A few months later, in July 2020, the union joined with the National Education Association, the American Academy of Pediatrics, and the School Superintendents Association to push for the resumption of

piggyback on the assertions of Rep. Miller-Meeks, who castigated the AFT for consulting with experts whose views she disagreed with. See April 26 Hearing Tr. at 49-54.

⁸³ Interview by Select Subcomm. on the Coronavirus Pandemic, H. Comm. on Oversight and Accountability with Kelly Nedrow, Senior Director for Health Issues, American Federation of Teachers (June 23, 2023).

⁸⁴ American Federation of Teachers, *A Plan to Safely Reopen America’s Schools and Communities* (2020), available at https://www.aft.org/sites/default/files/media/2020/covid19_reopen-america-schools.pdf.

in-person schooling at the start of the 2020-2021 school year.⁸⁵ Consistent with this agenda, in November 2020, the AFT published a new blueprint to reopen schools.⁸⁶

These efforts by the AFT continued after the CDC released the Operational Strategy in February 2021. For example, in May 2021, the AFT invested \$5 million in a “Back to School for Everyone” national campaign to assist in reopening schools across the country.⁸⁷ More recently, in July of 2023, the AFT announced an additional \$5 million campaign, entitled “Real Solutions for Kids and Communities,” with a five-part agenda that includes a sharp focus on reading, experiential learning, mental health, the expansion of community schools, and ensuring needed resources for students, teachers, and schools.⁸⁸ Because the AFT has always recognized that children learn best in person, the safe reopening of schools was one of the AFT’s top priorities from the very beginning of the pandemic.

B. FINDING: The American Federation of Teachers Is Not a Scientific or Medical Organization.

This is an odd and trivial finding. The AFT does not pretend to be anything other than how it self-identifies in its Mission Statement:

a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.⁸⁹

The AFT has never claimed to be a scientific or medical organization. But in the context of a pandemic that directly and dramatically affected its members, their families, and schoolchildren, the AFT felt obligated to participate in developing guidance that related to re-opening schools. It therefore consulted broadly with

⁸⁵ American Federation of Teachers, *Pediatricians, Educators and Superintendents Urge a Safe Return to School This Fall* (July 10, 2020), available at <https://www.aft.org/press-release/pediatricians-educators-and-superintendents-urge-safe-return-school-fall>.

⁸⁶ Randi Weingarten, *A blueprint to safely open schools*, The Hill (Nov. 30, 2020), available at <https://thehill.com/opinion/education/528004-a-blueprint-to-safely-open-schools/>.

⁸⁷ American Federation of Teachers, *Back to School for All: Return, Recover and Reimagine* (May 16, 2021), available at <https://www.aft.org/column/back-school-all-return-recover-and-reimagine>.

⁸⁸ Randi Weingarten, President, American Federation of Teachers, Remarks to the AFT TEACH Conference (July 21, 2023), available at <https://www.aft.org/press/speeches/real-solutions-kids-and-communities>.

⁸⁹ AFT Mission Statement, available at <https://www.aft.org/about/mission>.

scientific and medical experts to shape its positions on re-opening schools, and in commenting on the Operational Strategy.

During the April 26, 2023 Select Subcommittee hearing, Ms. Weingarten offered to name the numerous experts the AFT consulted on school closures, but members of the Majority were far more interested in making a point than learning the facts, and its members stopped her from doing so.

C. FINDING: The American Federation of Teachers Did Not Support Reopening Schools and Predicated Its Support for Reopening Schools on Non-Scientific Policies.

The Report's claim that the AFT's goals were ever anything other than the safe reopening of schools for in-person learning is false. The AFT consistently worked on implementing safeguards and layered mitigation strategies.

As previously stated, as early as April 2020, the AFT released a school reopening plan developed in collaboration with health and education experts and AFT members. By July 2020, the union had joined forces with the National Education Association, the American Academy of Pediatrics, and the School Superintendents Association to advocate for the resumption of in-person schooling at the start of the 2020-2021 school year. In November 2020, the AFT published a new blueprint to reopen schools. The AFT worked on each of the above goals for the express purpose of reopening schools.

Notably, AFT and Ms. Weingarten's efforts to reopen schools are publicly chronicled and well documented by Professor Diane Ravitch:⁹⁰

- April 24, 2020: Ms. Weingarten authors an op-ed with former Education Secretary John King highlighting the shortcomings of remote education and advocating for multi-week summer school to address learning loss.⁹¹
- May 2020: Ms. Weingarten is appointed to New York state's Reimagine Education Advisory Council, which was charged with safely reopening and reinventing schools.⁹²

⁹⁰ Diane Ravitch, *Randi Led the Way in Seeking a Safe Reopening of Schools*, Diane Ravitch's blog, (Dec. 26, 2022), available at <https://dianeravitch.net/2022/12/26/randi-led-the-way-in-seeking-a-safe-reopening-of-schools/>.

⁹¹ *Id.* (citing John King and Randi Weingarten, *What comes next for public schooling*, The Hill (Apr. 4, 2020), available at <https://thehill.com/opinion/education/494521-what-comes-next-for-public-schooling/>).

⁹² *Id.* (citing Office of the Governor of the State of New York, *Amid Ongoing COVID-19 Pandemic, Governor Cuomo Announces Members of the Reimagine Education Advisory Council* (May 8, 2020) available at

- January 24, 2021: Ms. Weingarten joins Dr. Rajiv Shah of the Rockefeller Foundation to author an op-ed stating that schools could reopen with comprehensive testing, before the vaccine was widely available.⁹³
- February 2021: Ms. Weingarten reiterates her position that vaccinations are a priority, but not a prerequisite, for in-person learning.⁹⁴
- February 8, 2021: The New York Times publishes a profile titled, “The Union Leader Who Says She Can Get Teachers Back in School.” It reported that Weingarten was calling for schools to reopen, in person, as soon as possible, spending 15 hours per day “trying to figure out how to reopen the three-quarters of school systems that remain fully or partially shuttered.”⁹⁵

Furthermore, to the extent the Report questions the validity of school closure triggers, the American Medical Association has previously stated that closing schools was likely an effective way of reducing transmission before the widespread availability of safe and effective vaccines, and that policymakers should carefully consider school closures when another pandemic strikes.⁹⁶

D. FINDING: The Biden Administration’s U.S. Centers for Disease Control and Prevention Broke Precedent and Shared a Draft Guidance with the American Federation of Teachers.

To the extent that the CDC broke precedent by sharing the draft Operational Strategy with the AFT and up to 50 other organizations, it was a precedent that cried out to be broken. On an issue as complex as re-opening schools during a pandemic, final decisions must take into account the real world, which includes not only scientific and medical issues, but also public health considerations and the realities of providing

<https://www.governor.ny.gov/news/amid-ongoing-covid-19-pandemic-governor-cuomo-announces-members-reimagine-education-advisory>).

⁹³ *Id.* (citing Dr. Rajiv Shah and Randi Weingarten, *With robust testing, we can open schools this spring before the vaccine is widely available*, USA Today (Jan. 24, 2021), available at <https://www.usatoday.com/story/opinion/2021/01/24/re-opening-schools-precautions-and-testing-column/6661567002/>).

⁹⁴ *Id.* (citing Aidan Connelly, *Teachers Union President Weingarten: Vaccinations Aren't 'Precondition' For School Reopening, But Need To Be Priority*, WGBH (Feb. 5, 2021), available at <https://www.wgbh.org/news/education/2021/02/05/teachers-union-president-weingarten-vaccinations-arent-precondition-for-school-reopening-but-need-to-be-priority>).

⁹⁵ *Id.* (citing Dana Goldstein, *The Union Leader Who Says She Can Get Teachers Back in Schools*, New York Times (Feb. 8, 2021), available at <https://www.nytimes.com/2021/02/08/us/schools-reopening-teachers-unions.html>).

⁹⁶ American Medical Association, *Study sheds light on SARS-CoV-2 transmission in homes with kids* (2023), available at <https://www.ama-assn.org/delivering-care/public-health/study-sheds-light-sars-cov-2-transmission-homes-kids>.

education in various environments across the country. The CDC was correct to share its draft guidance not only with the AFT but with the 50 other organizations that were invited to provide feedback and comments. It should continue to do so in the future.

As a matter of fact, whether the sharing of the draft guidance “broke precedent” is far from clear. Although the Majority has relied heavily over the past two and a half years on the testimony of Dr. Walke, who has claimed that sharing draft guidance was uncommon and has asserted that receiving line-by-line edits was unprecedented, he apparently had never spoken with Dr. Greta Massetti of the CDC.⁹⁷ Dr. Massetti testified in an October 31, 2023 transcribed interview with Select Subcommittee staff that CDC draft guidance was generally shared with outside groups and that line-by-line edits in fact were accepted in various cases.⁹⁸ The information from Dr. Massetti underscores the perils of relying on the uncorroborated testimony of one witness to construct a narrative of “uncommon access” and undue influence.

E. FINDING: The American Federation of Teachers Advocated for Mitigation Measures that Were Overly Broad and Not Scientific, including Closure Triggers, Delaying the U.S. Centers for Disease Control Prevention’s Issuance of the Operational Strategy.

This finding is deeply flawed. In good faith, the AFT recommended safeguards that it believed were important to the successful reopening of schools, including persuading teachers, school administrators, and public health officials that it was safe to do so. There was no point to agreeing to a set of mitigation measures that were insufficient to provide those assurances. As to closure triggers, there were respectable arguments on both sides of the issue, and the creation of triggers would have been an important factor in generating the confidence among parents, students, and teachers that public health officials had established guidelines that would prevent the rates of Covid infection from spiraling out of control.

As to the claim that AFT’s recommended mitigation measures delayed the issuance of the Operational Strategy, the evidence is extremely weak. The chronology of AFT’s interactions with the CDC is described in detail above. There is no evidence that the AFT’s suggestions caused extensive deliberations within the CDC, and the fact that AFT personnel provided specific suggested edits expedited and simplified the revision process. Even if the process of considering AFT’s suggested mitigation measures took a significant amount of time – and again, there is no evidence that it

⁹⁷ Draft Report, at 18 (citing Interview by Select Subcomm. on the Coronavirus Crisis, H. Comm. on Oversight & Reform with Dr. Henry Walke, Dir., Cents. for Disease Control & Prevention Off. of Readiness and Response (Feb. 18, 2022)).

⁹⁸ Draft Report, at 17-18 (citing Transcribed Interview of Dr. Greta Massetti, Associate Director, Ctr. for Disease Control and Prevention, by Select Subcomm. on the Coronavirus Pandemic Staff (Oct. 31, 2023)).

did – the CDC had every interest in creating and disseminating clear guidance designed to facilitate acceptance and achieve its goals.

F. FINDING: The U.S. Centers for Disease Control and Prevention Accepted American Federation of Teachers Edits to the Operational Strategy.

To be clear, the CDC accepted two sets of edits suggested by the AFT and rejected the others. The first edit accepted by the CDC related to encouraging schools to provide options for teachers and staff who had high-risk conditions – such as being immuno-compromised. The second modification was to include a statement in the Operational Strategy that in the event a more virulent coronavirus variant emerged, the guidance might need to be revised.

If the CDC was wrong to accept those edits, so is this Select Subcommittee’s Chair. Chairman Wenstrup embraced the substance of these edits during the April 26, 2023, hearing at which AFT President Randi Weingarten testified. On two separate occasions during that hearing Chairman Wenstrup said he agreed with the suggestions: “As I said to you [earlier in the hearing], the guidelines that I questioned you about as being accepted. I agreed with them. I didn’t have a problem with them.”⁹⁹ For almost two years, the Majority has attempted to create the illusion that the AFT had substantial influence and control over the Operational Strategy. In fact, the CDC accepted two common-sense changes in a 30+ page document that were fully consistent with the goals of the CDC and the goal of safely re-opening schools. The CDC was right to accept the AFT’s suggested edits.

G. FINDINGS: Pandemic-era School Closures Adversely Impacted Academic Performance that Will Continue for Years; School Closures Significantly Contributed to Increased Instances of Mental and Behavioral Health Issues; and School Closures Made an Already Alarming Trend in Declining Physical Health Worse.

There is no question that the pandemic was a national tragedy with significant consequences for children nationwide. Across the country, more than 200,000 children lost one or both parents to Covid-19, as illness, death, and uncertainty permeated everyday life for most Americans. Students faced not only school closures, but also the death of caregivers, food and shelter insecurity, and loneliness.¹⁰⁰

It was for these very reasons that the AFT was at the forefront of developing strategies to safely reopen school during the pandemic. As outlined above, and as the

⁹⁹ April 26 Hearing Tr. at 114.

¹⁰⁰ Zara Abrams, *Kids’ mental health is in crisis. Here’s what psychologists are doing to help*, American Psychological Association (Jan. 1, 2023), available at <https://www.apa.org/monitor/2023/01/trends-improving-youth-mental-health>.

AFT shared with the Select Subcommittee, as early as April 2020 the AFT released a school reopening plan developed in conjunction with health and education experts and AFT members.¹⁰¹ A few months later, in July 2020, the union joined with National Education Association, the American Academy of Pediatrics, and the School Superintendents Association to push for the resumption of in-person schooling at the start of the 2020-2021 school year.¹⁰² And again in November 2020, the AFT published a new blueprint to reopen schools.¹⁰³ The AFT continued these efforts after the CDC released the Operational Strategy in February 2021.¹⁰⁴

At bottom, the AFT has always recognized that children learn best in person, which is why the safe reopening of schools was one of the AFT's top priorities from the beginning of the pandemic.

The Select Subcommittee could have focused its efforts on ways to remedy and overcome these student deficits, and could have incorporated actionable guidance into its Report, as its mandate required. Such guidance matters. Contrary to the Report's conclusory assertion that "students are not rebounding from the effect of school closure policies," the AFT is encouraged by recent data showing that federal relief funds have supported students and educators in using evidence-based strategies to narrow the gaps that appeared during the pandemic.¹⁰⁵

Unfortunately, the Select Subcommittee has deployed its considerable taxpayer-funded resources not to help students, but instead to scapegoat the AFT, effectively stealing those resources from students across the country who need it most, and who could have benefited from the evidence-based, actionable guidance for the future the Select Subcommittee was asked to, but chose not to, provide.

¹⁰¹ American Federation of Teachers, *A Plan to Safely Reopen America's Schools and Communities* (2020), available at https://www.aft.org/sites/default/files/media/2020/covid19_reopen-america-schools.pdf.

¹⁰² American Federation of Teachers, *Pediatricians, Educators and Superintendents Urge a Safe Return to School This Fall* (July 10, 2020), available at <https://www.aft.org/press-release/pediatricians-educators-and-superintendents-urge-safe-return-school-fall>.

¹⁰³ Randi Weingarten, *A blueprint to safely open schools*, The Hill (Nov. 30, 2020), available at <https://thehill.com/opinion/education/528004-a-blueprint-to-safely-open-schools/>.

¹⁰⁴ American Federation of Teachers, *Back to School for All: Return, Recover and Reimagine* (May 16, 2021), available at <https://www.aft.org/column/back-school-all-return-recover-and-reimagine>; Randi Weingarten, President, American Federation of Teachers, Remarks to the AFT TEACH Conference (July 21, 2023), available at <https://www.aft.org/press/speeches/real-solutions-kids-and-communities>.

¹⁰⁵ Center for Education Policy Research, Harvard University, *Federal Pandemic Relief and Academic Recovery* (June 2024), available at <https://educationrecoverycorecard.org/wp-content/uploads/2024/06/June2024ERS-Report.pdf>.

VII. Conclusion

The AFT fully cooperated with the Select Subcommittee’s investigation. The AFT was hopeful at the outset that the Select Subcommittee would meaningfully address its core mission – what steps must be taken to improve preparedness for the next pandemic with respect to school closures and the other important issues within the Select Subcommittee’s broad mandate. Yet instead, the Select Subcommittee’s politically motivated obsession with the AFT and its now fully debunked claims that the AFT had “uncommon access” to the CDC’s Operational Strategy and inappropriate influence over its contents, has wasted valuable time, energy, and resources that should have been spent on issues at the core of the Select Subcommittee’s mandate. Even more disappointing is the absence of helpful recommendations on how best to address school closure issues in the future, which appropriately balance the safety and well-being of students, families, and teachers with the undeniable advantages of in-person schooling. That is the task the AFT set for itself in the midst of the coronavirus pandemic and what it will do in the future. It is unfortunate that the Subcommittee has provided no meaningful assistance in that regard.¹⁰⁶

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¹⁰⁶ Again, our comments are based on the 30-page draft of the School Closures chapter of the Select Subcommittee’s Report, which contained no recommendations related to school closures.