



DEPARTMENT OF EDUCATION

[Docket ID ED-2025-OS-0745]

**Final Priority and Definitions—Secretary’s Supplemental
Priority and Definitions on Promoting Patriotic Education**

AGENCY: U.S. Department of Education.

ACTION: Final priority and definitions.

SUMMARY: The Department of Education (Department) announces a final priority and definitions for use in currently authorized discretionary grant programs or programs that may be authorized in the future. The Secretary may choose to use the entire priority for a grant program or a particular competition or use one or more of the priority’s component parts. The final priority and definitions augment the initial set of three Secretary’s Supplemental Priorities on Evidence-Based Literacy, Educational Choice, and Returning Education to the States published as final priorities on September 9, 2025 (90 FR 43514); the Secretary’s Supplemental Priority on Meaningful Learning Opportunities, published as a final priority on February 12, 2026 (91 FR 6625); the Secretary’s Supplemental Priority on Advancing Artificial Intelligence in Education, published as a final priority on April 13, 2026 (91 FR 18774); and the Secretary’s Supplemental Priority and Definitions on Career Pathways and Workforce Readiness,

published as a final priority on April 13, 2026 (91 FR 18780).

DATES: The final priority and definitions are effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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SUPPLEMENTARY INFORMATION:

Purpose of this Regulatory Action: On September 17, 2025, the Department published a notice of a proposed supplemental priority and definitions (NPP) in the *Federal Register* (90 FR 44788) on Promoting Patriotic Education. This notice of final priority and definitions (NFP) finalizes the priority and definitions on Promoting Patriotic Education for use across the Department's discretionary grant programs.

Summary of the Major Provisions of This Regulatory Action: Through this regulatory action, we establish one supplemental priority and associated definitions. Each major provision is discussed in the *Public Comment* section of this document.

The NPP contains background information and our reasons for proposing the priority and definitions. The Department describes the differences between the proposed priority and definitions and those established as final in this NPP in the *Analysis of Comments and Changes* section in this document.

Program Authority: 20 U.S.C. 1221e-3, 3474.

Public Comment: In response to our invitation in the NPP, the Department received comments from more than 5,000 commenters on the proposed priority and definitions.

Generally, we do not address technical and other minor changes or suggested changes that the law does not authorize us to make under applicable statutory authority. In addition, we do not address general comments regarding concerns not directly related to the proposed priority or definitions.

Analysis of Comments and Changes: An analysis of the comments and of any changes in the final priority and definitions since publication of the NPP follows.

GENERAL COMMENTS

Comments: Some commenters had comments regarding specific language in the background to the NPP, such as the reference to "free-market economy." Some comments appreciated the inclusion of "free-market economy" and its impacts on this country's history, but other commenters expressed concern, claiming that a "free-market economy" is

not necessarily good for individuals and instead benefits large businesses.

Discussion: The Department appreciates the comments around language in the background, including comments on “free-market economy.” The NPP’s background section referenced “free-market economy,” in recognition of the role free markets have played in U.S. history and the growth and economic development of the nation. Because we do not include a background section in the NFP, nor is the background section considered part of the final priority and definitions, we do not think any changes are necessary.

Changes: None.

PRIORITY

Comments: Many commenters expressed support for strengthening civics education, emphasizing the importance of helping students learn from the nation’s past and developing a sense of national pride. Commenters highlighted the Administration’s current investments in civics education, as well as the opportunities presented by the America 250 commemoration and the partnerships that have been formed to support that effort.

Commenters who supported the proposed priority and definitions also raised concerns about the teaching of history in classrooms in recent decades. Some argued that instructional content has become overly critical of the United States, which they believe contributes to mistrust

of the education system. A few commenters shared personal experiences in higher education, expressing concern that students are sometimes told what to think rather than encouraged to consider multiple perspectives or express differing views.

Other commenters expressed concern about the rise of divisive ideologies in education and supported the priority's consideration of Western civilization and Judeo-Christian traditions, classical education, and the nation's founding principles. They also supported the use of primary sources and the importance of teaching history honestly, recognizing that honest instruction includes both the triumphs and the tragedies of American history.

Discussion: The Department appreciates the recognition that civics education has not sufficiently emphasized the use of primary sources in the classroom and the influence of Western civilization on the American heritage. The Department also appreciates recognition for the Trump Administration's efforts to commemorate the Semiquincentennial of this nation.

The Department wholeheartedly agrees that American citizens and students can—and should—take pride in the nation's progress toward fulfilling the founders' promises of equal rights under equal laws, limited government, and the protection of life, liberty, and property.

Expanding the use of primary sources will allow students to study the American founding era directly and draw their own conclusions. It will also help focus instruction on what the founders actually thought, said, and did.

Changes: None.

Comments: Some commenters, in their support of the priority and definitions, recommended additional language to include in the priority. One commenter recommended the inclusion of character education in the priority, including appropriate teacher supports. Another commenter proposed additions to the priority to include jazz music and physical fitness.

Discussion: The Department appreciates the comments about additional inclusions to the priority text. Applicants may propose activities that make sense in the context of the program in which the priority is used and are allowable within the program authorization where the priority is used. Therefore, we decline to make changes at this time.

Changes: None.

Comments: While there was a sentiment of support for civics education, as mentioned above, many commenters expressed overall opposition to the priority and definitions, asking the Department not to finalize the priority and definitions, expressing concern about the long-term impacts of these changes and concerns with their children learning content under the priority. Specific reasons for their

opposition are discussed below in further comment summaries.

Discussion: The Department appreciates the strong support for civics education and recognizes commenters want students to receive a full and accurate account of American history and the first principles of the American founding. The patriotic education priority clearly states the study of U.S. history and politics should be accurate and honest by being grounded in the text of the primary sources. The use of primary sources in the classroom ensures students engage with what our forefathers thought, said, and did and helps students develop the skills of analysis, discussion, and debate that will prepare them for their civic duties. The Department used specific definitions, such as the American political tradition, to support projects that study the American founding, principles of a constitutional republic and republicanism, and American political development.

Changes: None.

Comments: Many commenters said that instead of the priority, the Department should prioritize fundamental improvements to the public education system, such as focusing on other subjects and content areas, core competencies and basic skills, increasing funding for school safety and teacher compensation, special education, and a baseline of literacy expectations.

Discussion: The Department appreciates the commenter's support for the public education system, additional core subjects and basic skills, school safety, special education, and literacy. The Department has finalized other priorities that focus on Promoting Evidence-based Literacy, Expanding Education Choice, Returning Education to the States, Meaningful Learning Opportunities, Advancing Artificial Intelligence in Education, and Career Pathways and Workforce Readiness to help address other critical needs in education. The scope of this NFP focuses only on Promoting Patriotic Education; therefore, the Department is not making changes to expand the scope.

Changes: None.

Comments: Some commenters had concerns about the source of funds to support the priority; requesting information regarding total available funding; projected award numbers; how grants will be selected, including eligibility requirements; and transparency about projects funded under the priority.

Discussion: While the Department appreciates commenters' concerns, there are no funds specifically associated with this NFP. Grant applications will continue be evaluated in accordance with Department regulations and statutory requirements that apply to a particular program and competition, which may include the use of the Secretary's Supplemental Priorities as absolute, competitive

preference, or invitational priorities. Any eligibility requirements under a particular competition will continue to align with that program's authorizing statute. As it relates to transparency, funded grants are posted on program websites once they have been selected to receive funds.

Changes: None.

Comments: Some commenters flagged legal concerns with the priority and definitions, including statements that the issuance of the priority violated the Administrative Procedure Act. One commenter stated that the priority and definitions are a major rule and therefore should go through the entire process of rulemaking. A few commenters expressed concerns about the priority and definitions being a major rule due to the associated costs with updating curriculum to align with the priority as well as being "arbitrary and capricious" for not providing evidence that the priority will improve civics outcomes.

Discussion: The Regulatory Impact Analysis section of the NFP explains that the priority is not economically significant: "We believe, based on the Department's administrative experience, that entities preparing an application would not need to expend more resources than they otherwise would have in the absence of this proposed priority." Additionally, as discussed below, nothing in the

priority would require the updating or change of curriculum.

Changes: None.

Comments: Some commenters said that the Department is violating the General Education Provisions Act and the Elementary and Secondary Education Act of 1965, as amended, because the priority would mandate curriculum.

Additionally, many commenters expressed legal concerns about Federal overreach and a "government approved" version of history. This concern included the perceived setting of history standards by the Department, as well as the violation of States' rights by the limitation of State control of content because of the priority. Commenters did not want the Department to dictate how and what history should be taught, arguing that by establishing a priority and definitions and tying funding to that priority, it dictates history curriculum. They further argued that it is contrary to the mission of closing the Department of Education by the Department incentivizing a way of teaching history, which they claim conflicted with the Department's promotion of returning education to the States. Multiple commenters drew comparisons to other countries and times in history where a country restricted teaching only a particular history curriculum and viewpoint.

Regarding the violation of States' rights, many commenters argued States, local districts, Bureau of Indian

Affairs and reservation schools, teachers, and parents are best positioned to determine what should be taught in schools, including content that meets the needs of students in their areas. As a result, some commenters requested that parents have an "opt out" option.

Discussion: The Department agrees it does not have the authority to mandate, direct, supervise, or control curriculum, and the priority does not do so. Nothing in the priority requires or directs States, local educational agencies, or schools to adopt any particular curriculum, program of instruction, instructional materials, academic standards, or academic assessments. Consistent with applicable statutory limitations, the priority does not dictate State or local history standards and preserves the authority of States, school districts, and parents to determine educational content and academic standards.

Because the priority does not mandate curriculum or prescribe specific instructional content, the Department has determined that an opt-out provision is not necessary and that, regardless, such parental notification and opt-out policies regarding particular instructional content would be better exercised at the State and local level. The Department thinks that several of the remaining comments of opposition described above are outside the scope of this proposed priority.

The Department also supports national efforts to commemorate the 250th anniversary of the United States and re-emphasizes that the priority will help recognize the educational value of using primary sources in the study of U.S. history and government. Using primary sources in the study of U.S. history and government necessarily involves gaining understanding of the documented influence of Western Civilization on the American founding, as well as the significant—often difficult and costly—efforts to realize the principles articulated at the nation's founding. In order to clarify this intent, we have revised the text of the proposed definition as follows.

Changes: To emphasize that the Department's intent is to prioritize the study of the American founding and history through an analysis of primary sources, the Department is changing the definition of "patriotic education" as follows: "*Patriotic education* means an accurate and honest presentation of the history of America grounded in an analysis of the primary sources of America's founding, the principles that shaped America's founding, and how those ideals continue to influence the nation's aspirations today."

Comments: Many commenters had concerns that the priority and definitions violate First Amendment rights to free speech and serve as censorship. Commenters argued that the priority and definitions limit what can be taught, thus

inhibiting the teaching of certain topics and limiting what can be said and discussed regarding the country's history.

Discussion: The Department appreciates commenters' strong support for the First Amendment. The priority does not infringe upon First Amendment rights, as it neither mandates a specific curriculum nor prescribes a government-approved interpretation of history. Instead, the priority and its definitions promote an accurate and honest understanding of U.S. history and government through the use of primary sources. This approach should alleviate concerns about censorship or a narrow presentation of American history, as primary sources enable students to engage directly with both the nation's achievements and its shortcomings, as well as with differing perspectives, such as those of the Federalists and Anti-Federalists.

Changes: To emphasize that the Department's intent is to prioritize the study of the American Founding and history through an analysis of primary sources, the Department is changing the definition of "patriotic education" as discussed above.

Comments: Commenters said teachers and historians would be inhibited from teaching topics not considered "patriotic." Commenters expressed concerns about the impacts on teachers as they try to teach history that aligns with the priority as well as cover controversial topics.

Discussion: The Department appreciates commenters' desire to teach the full history of the United States. The priority will encourage the full and honest teaching of U.S. history through the use of primary sources and the study of the American founding, in recognition of the Semiquincentennial, and promote citizen competency through the study of, as described in the background of the NPP, "our political, economic, intellectual, and cultural history." Nothing in the priority prohibits educators from teaching controversial topics in American history but ensures such study is accurate and honest and includes the use of primary sources.

Changes: To emphasize that the Department's intent is to prioritize the study of the American founding and history through an analysis of primary sources, the Department is changing the definition of "patriotic education" as discussed above.

Comments: Many commenters argued that the priority assumes U.S. history, civics, and patriotism are not already being taught, and the commenters argued that patriotism cannot be dictated or forced by the government but instead must be learned over time through personal experiences. These commenters expressed concern that the proposed priority is teaching nationalism instead of patriotism and a single narrative of the country's history that will result in a mistrust of government. The many commenters who raised

concerns about nationalism cited concerns about the priority being like "national socialism" and "Christian nationalism." Specifically, many commenters categorized the priority as "propaganda" or "indoctrination," arguing that the priority requires an idealized version of history that ignores certain parts of the country's past and forces a specific narrative, instead of honest history. Many of these commenters gave the examples of changes being made to museums and websites and book bans as reasons for their concern about the "scrubbing" of history and removal or deemphasis on certain parts, stating the need for history to include all aspects of the nation's past, both the good and the bad, including examples of topics they wanted to ensure are covered. Commenters argued that the only way to move forward as a country and prevent the repetition of past mistakes is to learn from them, and they were concerned about the definition of "patriotic education" (see below for further discussion of the definition of "patriotic education"). Multiple commenters pointed to how Germany teaches about the Holocaust as an example of how to cover difficult topics in a country's history.

Discussion: The Department appreciates commenters' concerns. Our intention with the priority is to encourage a comprehensive exploration of American history and civics rooted in study of primary sources and their influences. By promoting the use of primary sources, we aim to help

students gain a deeper understanding of the nation's development, including its founding principles, progress, and the complexities of its past. This approach emphasizes accuracy and integrity in the study of history, allowing for a balanced perspective that includes both achievements and challenges. Rather than mandating specific content or a single narrative, the priority seeks to foster critical thinking and reflection on the many experiences and events that have shaped the United States. Students are encouraged to engage with a wide range of historical documents and perspectives, supporting a fuller and more nuanced understanding of the American story. Our goal is to ensure that history education remains open, honest, and reflects the complexity of the nation's past and present. References to other countries or the actions of agencies and institutions fall outside the scope of the priority, as our focus remains on promoting integrity and accuracy in the study of U.S. history.

Changes: To emphasize that the Department's intent is to prioritize the study of the American founding and history through an analysis of primary sources, the Department is changing the definition of "patriotic education" as discussed above.

Comments: One commenter recommended the use of "civics education" instead of "patriotic education," and another

requested that the priority be retitled to "Civic Literacy and Historical Inquiry."

Discussion: The Department appreciates commenters' suggestions regarding a possible retitling of the priority. The term "patriotic education" is an intentional choice that highlights the emphasis on exploring national history, founding principles, and civic responsibilities from the perspective of understanding what binds citizens together. "Patriotic" as a title signals that the educational focus is not simply about civic knowledge, but also about engaging with the shared narratives and values that have influenced the nation's development. For these reasons, we think "patriotic education" best represents the aims of the priority; therefore, we decline to make changes to the title.

Changes: None.

Comments: Many commenters raised concerns about the priority and definitions narrowly defining what and who are included in "patriotic education." Specifically, these many commenters called out the need for a broader and more inclusive U.S. history that is not limited to "Western Civilization" influences (as referenced in the definition of "American political tradition"), citing indigenous and enslaved populations in the country, and a history that is representative of the students who will be studying it, including biographies of this broad, inclusive group. The

comments emphasized the need for multiple perspectives, with commenters arguing that through the multiple perspectives, students will see themselves in the history of their country, which will help embolden their patriotism, encourage them to get involved in their communities, and help in the development of empathy for others. Some commenters stated that there is not a single, linear history of this country or a shared understanding of the past; therefore, this broader, inclusive history would allow for different points of view. Many commenters stated that the Founding Fathers did not have a shared understanding about the founding and formation of the country; thus, the priority should not force a shared understanding. Some commenters also argued that the United States does not exist in a vacuum and that the country's history should be studied within a global context, considering influences beyond Western Civilization that have shaped the country. Commenters also raised concerns about biased history. Specifically, commenters were concerned that the priority and definitions would promote a one-sided, partisan interpretation of history, and favored particular organizations.

Discussion: The Department appreciates commenters' concerns. The priority and definitions are focused on the use of founding documents and other primary sources to support a full and accurate civics education. While the

priority and definition include the reference to "Western Civilization," the teaching of multiple perspectives or the inclusion of diverse experiences, including those of Indigenous peoples, enslaved populations, and other groups whose histories are essential to understanding the development of the United States, are allowable under the priority.

Through engagement with primary sources, such as debates surrounding the ratification of the U.S. Constitution, educators and students may explore a range of viewpoints, including those of the Federalists and Anti-Federalists, as well as other voices relevant to the historical context. While the founders held differing perspectives, the study of founding documents provides an opportunity for students to examine key ideas and debates that are documented to have shaped the nation as well as what the founders held in common: a shared understanding of the purpose of government, the nature of man, and the first principles of liberty.

The priority proposes topics intimately related to the development and creation of the founding documents. The priority, where adopted in a particular competition, would not limit instruction to a single narrative or perspective about those topics, nor would it exclude consideration of broader historical and global contexts. Rather, it emphasizes primary sources as a nonpartisan and neutral

foundation for civic learning, while allowing educators the flexibility to incorporate additional perspectives and materials that support a comprehensive understanding of the nation's history. This NFP also does not establish eligible entities for any of the Department's competitive grant competitions, and the eligible recipients of those grants are generally set out by Congress and outlined in statute.

Changes: To emphasize that the Department's intent is to allow educators the flexibility to incorporate additional perspectives and materials that support a comprehensive understanding of the nation's history, the Department is changing the definition of "American political tradition" to the following: "*American political tradition* includes the founding documents, essential principles of republican government, and historical development of America's government; key works of history, literature, humanities, and art; the influence of Western Civilization, such as ancient Greece, Rome, and Judeo-Christianity, on the founders' values; the history of Western Europe linked to the history and development of the United States; the influence of the founders' religious beliefs on their conceptions of liberty and government; and the founding documents and primary sources of the American founding (ideas, traditions, institutions, and texts essential to American constitutional government) with a focus on the first principles of the founding (natural law and natural

rights), their inclusion in the Constitution and the Bill of Rights, and their development over time that has shaped America's culture."

To emphasize that the Department's intent is to prioritize the study of the American founding and history through an analysis of primary sources, the Department is changing the definition of "patriotic education" as discussed above.

Comments: Multiple commenters thought the priority and definitions focused too much on the American founding and foundational principles. Rather, these commenters stated that a lot of history occurred after 1800 that warranted inclusion, arguing that it is important for students to study multiple periods, and from multiple perspectives.

Discussion: The Department appreciates commenters' views regarding the importance of studying U.S. history beyond 1800. The Department agrees that a comprehensive understanding of the nation's history spans multiple periods and perspectives.

The priority and definitions emphasize the American founding because it provides a key framework for civic understanding. However, nothing in the priority precludes the inclusion of historical events, developments, or perspectives from periods after 1800. The priority does not dictate the scope of instruction but rather ensures a strong foundation for civic learning.

Changes: None.

Comments: Many commenters were concerned that the priority and definitions would limit critical thinking, arguing that the priority and definitions dictate what must be taught and how students must feel about the content (see below for further discussion of the definition of "patriotic education"). Thus, commenters stated students would not have the opportunity to review content, weigh multiple perspectives, and come to their own conclusion. Some commenters highlighted the importance of critical thinking and how it informs debate and civil discourse, and how dissent and criticism have helped to positively shape the country. Another commenter highlighted that critical thinking, debate, analysis of resources, and classroom inquiry are all parts of evidence-based practices around history and civics education.

Discussion: The Department appreciates commenters' perspectives and agrees that critical thinking, debate, and analysis are essential components of high-quality civics and history education. However, the Department does not agree that the priority and definitions limit these practices. To the contrary, the priority's emphasis on the use of primary sources directly supports and strengthens critical thinking.

Analysis of primary documents--such as historical texts, speeches, and other original materials--is itself a

foundational exercise in critical thinking. It requires students to evaluate evidence, consider context, assess differing viewpoints, and draw their own conclusions. By engaging directly with these sources, students are not directed toward a single interpretation; rather, they are given the opportunity to examine competing ideas, weigh perspectives, and participate in informed debate and civil discourse.

The priority does not dictate what students must think or how they should feel about the content. Instead, it focuses on ensuring that students have access to the kinds of materials and experiences that make independent analysis possible. Nothing in the priority precludes discussion, dissent, or the exploration of multiple perspectives. Rather, by grounding learning in primary sources, the priority supports the development of the very critical thinking skills commenters describe, including inquiry, evidence-based reasoning, and reasoned debate.

Changes: To emphasize that the Department's intent is to prioritize the study of the American founding and history through an analysis of primary sources, the Department is changing the definition of "patriotic education" as discussed above.

DEFINITIONS

Comments: Many commenters had concerns specific to the definitions. Specifically, commenters thought the

definitions included vague terms and were concerned about how and who would determine if a definition and then the priority were met, for the purposes of funding determinations. These commenters were concerned that it would be hard for applicants to successfully address the priority and definitions given the perceived lack of clarity in the definitions and that "accuracy," in the definition of "patriotic education" would be used to push a particular ideology instead of examining history through multiple perspectives.

In the definition of "patriotic education," multiple commenters had concerns about the adjectives used to describe the characterization of the American founding, requesting clarification on the meaning of those terms, as well as raising issue with the terms being contradictory. Some commenters thought that using these terms elicited feelings over facts by requiring a focus on "ennobling" history, which corresponds with the earlier discussion of the concern that the priority and definitions would result in the teaching of history that excludes parts, especially parts not considered ennobling. These commenters argued that the country's history is not always ennobling, but an "honest" history would include all parts, even those that are less than ennobling. Likewise, commenters claimed that "accurate" and "honest" might not always mean "unifying," "inspiring" and "ennobling." Some commenters recommended

deleting these adjectives from the definition of "patriotic education," and other commenters recommended revising the definition to ensure a balance of perspectives and inclusion of all groups beyond "Western Civilization" so that all students see themselves in the history being taught.

Discussion: The Department appreciates commenters' concerns regarding the clarity of the definitions and how they will be applied in the context of funding determinations. The Department does not agree that the definitions are impermissibly vague or that they will be applied in a manner that promotes a particular viewpoint. The terms included in the priority provide a clear framework while allowing sufficient flexibility for applicants to design projects that meet program requirements. As with all Department programs, applications will be evaluated in accordance with established regulations, statutory requirements, and the criteria set forth in the competition notice.

The Department also does not agree that the definition of "patriotic education" limits the scope of historical inquiry or prioritizes feeling over fact. To the contrary, the priority emphasizes engagement with primary sources, which inherently requires students to analyze evidence, consider multiple perspectives, and draw their own conclusions. This approach supports an honest and

accurate understanding of history, including both the nation's highest ideals and the challenges encountered in striving to realize them.

There is no inconsistency between a full and honest study of the nation's history and one that recognizes the significance of its founding principles and their development over time. The priority and definitions do not exclude or diminish the study of any group or perspective. Nothing in the definitions precludes including different experiences or examining complex and difficult aspects of the nation's past. Rather, by grounding learning in primary sources, the priority and definitions support a comprehensive approach that allows for the consideration of multiple viewpoints and a deeper understanding of the American experience.

Changes: To emphasize that the Department's intent is to prioritize the study of the American founding and history through an analysis of primary sources and that the priority and definitions do not exclude or diminish the study of any group or perspective, the Department is changing the definition of "patriotic education" as discussed above.

Comments: Many commenters included remarks regarding the inclusion of "Judeo-Christianity" in the definition of "American political tradition." Some commenters supported its inclusion, but others had concerns. Many commenters

concerned with the religious reference cited issues with separation of church and state under the First Amendment, the secularity of public schools, the exclusion of other religions, and "religious indoctrination." Some commenters cited issues in how history is taught when it has a religious focus, with those commenters talking about their personal experiences from their education and what they felt they were not taught. Therefore, many commenters requested that "Judeo-Christianity" be excluded and that any history being taught be secular in its focus and that religious organizations be excluded from partnering under the final priority and definitions, or to amend the definition of "American political tradition" to reference diverse religious and non-religious beliefs. Other commenters argued that the country wasn't founded under one religion, saying that the Founding Fathers were not in agreement on religion and were specific in their interest in a separation of church and state. Some commenters also stated that keeping religion out of the definition would better support the efforts of unity and patriotism.

Discussion: The Department appreciates commenters' concerns. The priority and definitions are focused on an accurate and honest study of American history and government grounded in the text of primary sources, particularly at the time of the American founding. Religion, such as Judaism and Christianity, was an

influential aspect of Western Civilization at the time of the American Revolution, Constitutional Convention, and the early republic. For example, as noted in the Federalist Papers, written at the time of the founding, "Providence has been pleased to give this one connected country to one united people--a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, very similar in their manners and customs, and who, by their joint counsels, arms, and efforts, fighting side by side throughout a long and bloody war, have nobly established general liberty and independence."¹ Therefore, in order to understand the American founding, it is essential that students possess a modicum of familiarity with the influence of religions such as Judeo-Christianity in American history, as well as the principles of government the founders held in common. This broad inclusion does not violate the separation of church and state, violate the secular nature of public schools, or constitute religious indoctrination because it is merely a topic of study related to the American founding. In addition, 34 CFR sections 75.532 and 76.532 prohibit any grantee from using its grant to pay for religious instruction, religious worship, or proselytization. Finally, in response to the

¹ See Federalist No. 2, 1787, available at <https://guides.loc.gov/federalist-papers/text-1-10#s-lg-box-wrapper-25493265>.

request that religious organizations be excluded from partnering under the final priority and definitions, the Supreme Court has made clear that "denying a generally available benefit solely on account of religious identity imposes a penalty on the free exercise of religion that can be justified only by a state interest of the highest order." *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct at 2019 (2017).

Changes: To further emphasize that the final priority and definitions do not exclude or diminish the study of any group or perspective, the Department is changing the definition of "American political tradition" as discussed above.

Comments: Some commenters had recommendations for additions to the definitions. Regarding the definition of "patriotic education," one commenter recommended including "American exceptionalism" in the definition. Regarding the definition of "American political tradition," some commenters were concerned with the use of "republic government" and instead recommended inclusion of "democracy" or "democratic republic." Another commenter requested the inclusion of "natural law" in the definition. Some commenters encouraged a focus on the separation of powers within the definition.

Discussion: The Department appreciates commenters' recommended additions to the definitions. The definition of American political tradition covers the essential

components of the American heritage worthy of study and essential to competent citizenship, including concepts such as American exceptionalism. Regarding the use of republic versus democratic, republic reflects the founders' understanding of the regime of limited government based on consent of the governed for the purpose of protecting property and liberty they were creating. The separation of powers will naturally be covered in the study of the U.S. Constitution; therefore, it does not need to be specified in the definition. Finally, the Department concurs that an understanding of natural law was common at the time of the founding and was referenced in the Declaration of Independence.

Changes: The Department agrees that natural rights and natural law were essential parts of the American founding and therefore is incorporating natural law into the "American political tradition" definition.

FINAL PRIORITY:

The Department establishes the following priority for use in any Department discretionary grant program.

Priority:

Projects that are designed to provide an introduction to and understanding of the founding documents and primary sources of the American political tradition, in a manner consistent with the principles of a patriotic education. Projects may address one or more of the following topics:

- (a) United States Constitution, government, and civics.
- (b) United States history and geography.
- (c) United States military and diplomatic history.
- (d) United States literature and rhetoric.
- (e) United States art (architecture, painting, music, photography, theater, cinema, and sculpture, etc.).
- (f) The founding documents and primary sources of Western Civilization and the American founding and their influence on the American political tradition.
- (g) The influence of Western Europe upon the American political tradition.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a competition notice. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit

that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

FINAL DEFINITIONS

The Secretary establishes the following definitions for use in any Department discretionary grant program in which the final priority is used.

Note: Nothing in these definitions should be construed as implicating a particular curriculum, program of instruction, or specific academic content.

American political tradition includes the founding documents, essential principles of republican government, and historical development of America's government; key works of history, literature, humanities, and art; the influence of Western Civilization, such as ancient Greece, Rome, and Judeo-Christianity, on the founders' values; the history of Western Europe linked to the history and development of the United States; the influence of the founders' religious beliefs on their conceptions of liberty and government; and the founding documents and primary sources of the American founding (ideas, traditions, institutions, and texts essential to American constitutional government) with a focus on the first

principles of the founding (natural law and natural rights), their inclusion in the Constitution and the Bill of Rights, and their development over time that has shaped America's culture.

Patriotic education means an accurate and honest presentation of the history of America grounded in an analysis of the primary sources of America's founding, the principles that shaped America's founding, and how those ideals continue to influence the nation's aspirations today.

Executive Orders 12866, 13563, and 14192

Regulatory Impact Analysis: This regulatory action is not a significant regulatory action subject to review by the Office of Management and Budget under section 3(f) of Executive Order 12866. This regulatory action is not considered an "Executive Order 14192 regulatory action." We have also reviewed this regulatory action under Executive Order 13563. We are issuing the final priority and definitions only on a reasoned determination that their benefits would justify their costs. The Department believes that this regulatory action is consistent with the principles in Executive Order 13563. We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions. In accordance with these Executive Orders, the Department has assessed

the potential costs and benefits, both quantitative and qualitative, of this regulatory action.

Discussion of Costs and Benefits: The final priority and definitions would impose no or minimal costs on entities that receive discretionary grant award funds from the Department. Additionally, the benefits of implementing the final priority and definitions outweigh any associated costs, to the extent these de minimis costs even exist. Application submission and participation in competitive grant programs that might use the final priority and definitions is voluntary. We believe, based on the Department's administrative experience, that entities preparing an application would not need to expend more resources than they otherwise would have in the absence of the priority and definitions. Because the costs of carrying out activities would be paid for with program funds, the costs of implementation would not be a burden for any eligible applicants that earn a grant award, including small entities.

Intergovernmental Review: This action is subject to Executive Order 12372 and the regulations in 34 CFR part 79. This document provides early notification of our specific plans and actions for this program.

Regulatory Flexibility Act Certification: This section considers the effects that the final regulations may have on small entities in the educational sector as required by

the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The Secretary certifies that this regulatory action would not have a substantial economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below \$7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

Paperwork Reduction Act: The final priority and definitions do not contain information collection requirements or affect currently approved data collections.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or another accessible format.

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Register. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov. You may also access documents of the Department published in the **Federal Register** by using the article search feature at www.federalregister.gov.

Linda McMahon,
Secretary of Education.

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