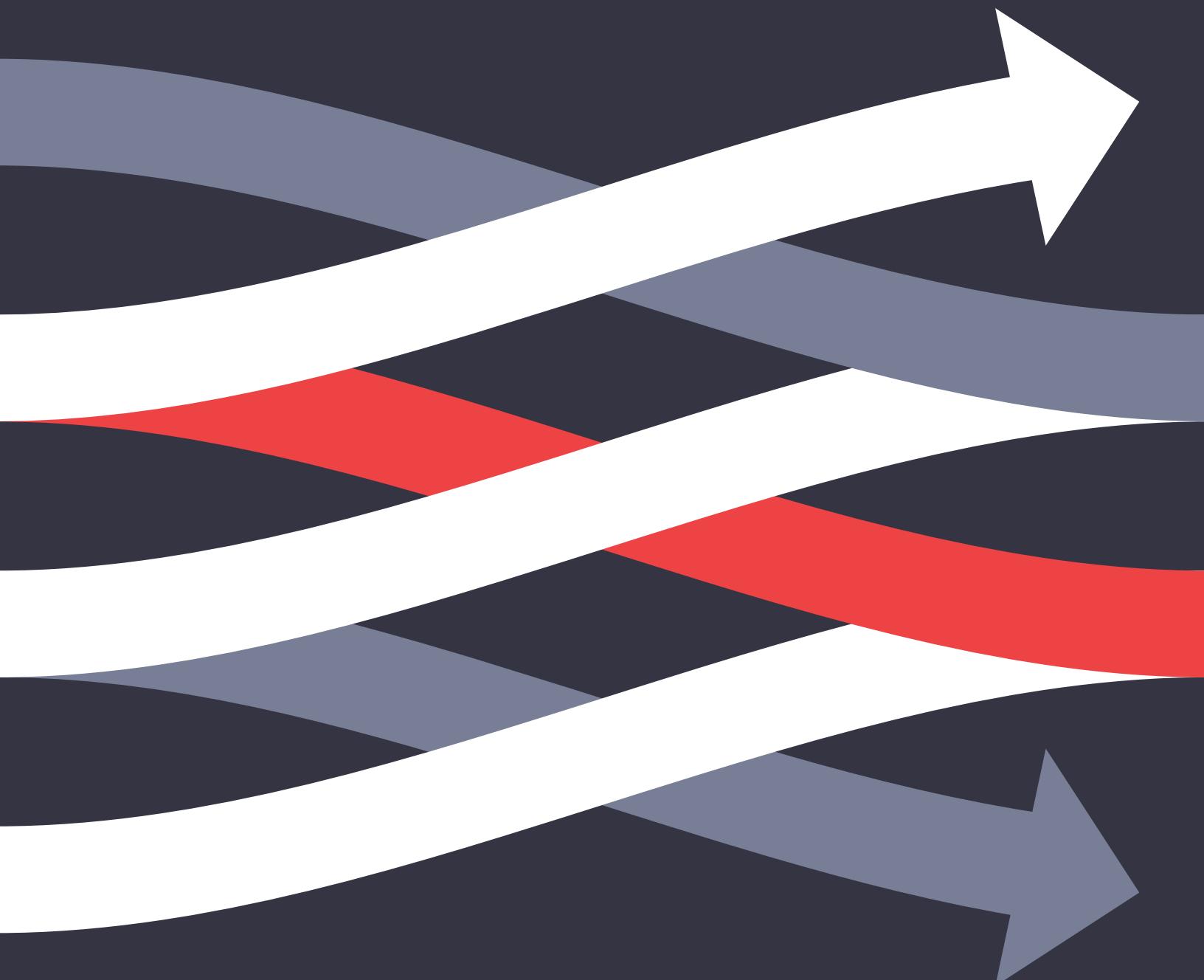


# The State of Education Censorship in Institutions of Higher Ed and Implications for the Field

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## ABOUT AACTE

The American Association of Colleges for Teacher Education (AACTE) is a national coalition of educator preparation programs and partners dedicated to high-quality, evidence-based preparation that assures educators are profession-ready as they enter the classroom. AACTE represents 600 colleges and schools of education that include public and private colleges and universities in every state, the District of Columbia, the Virgin Islands, and Guam. Through advocacy and capacity building, AACTE promotes innovation and effective practices that advance educator preparation.



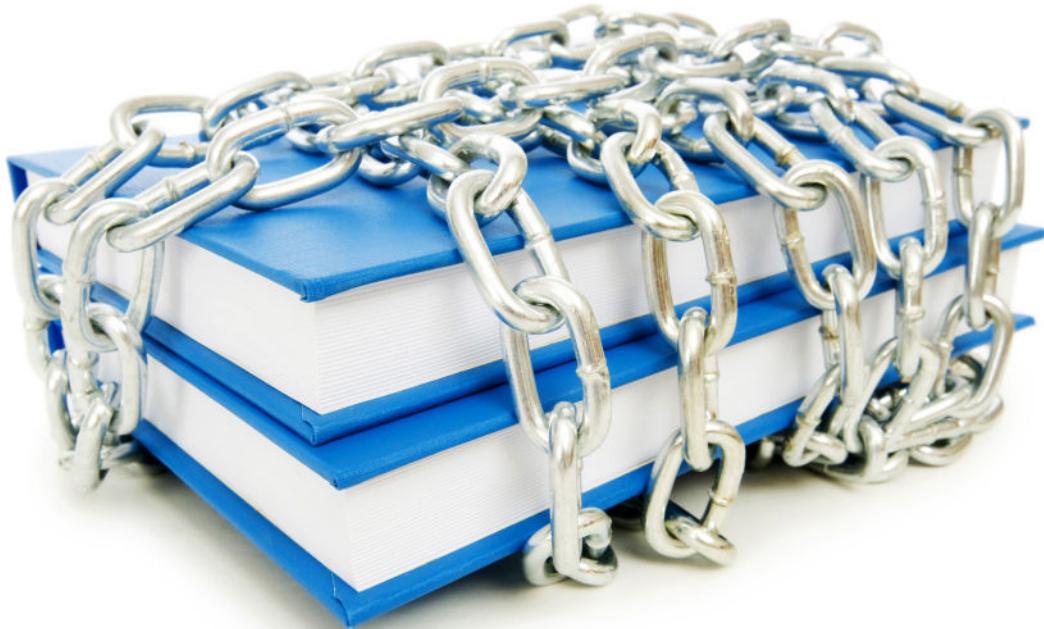
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# CONTENTS

- I. Executive Summary
- II. Introduction: Setting the Political Stage
- III. Statement of the Problem
- IV. Statement of Purpose
- V. Theme One: Legislation Targeted Toward the Erasure of Ethno-Racial Diversity in Schools
- VI. Theme Two: Legislation Targeted Toward the Erasure of Sex, Gender, and LGBTQ+ Diversity in Schools
- VII. Theme Three: Distorted Narratives through Whistle-Blown Language
- VIII. Theme Four: Funding
- IX. Implications
  - I. In IHEs
  - II. Using Anecdotal and Historical Evidence to Understand Implications for Teaching and Teacher Education
- X. Concluding with a Call to Action



## LGBTQ+ RIGHTS



## COMBATING RACISM



# EXECUTIVE SUMMARY



This report outlines the state of current educational censorship to date through an examination of themes relevant to proposed and enacted legislation. The author explores four themes: the erasure of ethno-racial diversity in schools through restrictive teaching, the erasure of sex, gender, and LGBTQ+ diversity in schools through restrictive teaching, distorted narratives through whistle-blown language, and funding. This report focuses on the implications of such legislation for institutions of higher education (IHEs) but includes implications for P-12 education and teaching as well as the field at large. The report concludes with a call to action for educational stakeholders, including but not limited to educators, administrators, parents, and

IHE faculty and staff. This report was crafted with the assistance of other organizations also combatting censorship legislation, several of whom shared their resources to assist in AACTE's legislative analysis: GLSEN, The African American Policy Forum, and PEN America. At the time this report was published, approximately 19 pieces of censorship legislation had been passed in states across the United States. AACTE intends to monitor the progress of censorship legislation and other policies and provide timely information regarding censorship legislation in P-12 education, schools and colleges of education, as well as advocacy strategies for current and future educators and university faculty.

The following provides a summary of themes and recommendations for advocacy:

- **Theme One: Legislation Targeted Toward the Erasure of Ethno-Racial Diversity in Schools**
  - Current censorship legislation targeted at eradicating ethno-racial diversity in schools includes the banning of "divisive concepts" from being taught in all public education systems, including IHEs. This has the great potential to stall intellectual and social conversations in postsecondary and other settings. This legislation is couched in false narratives regarding critical race theory (CRT). AACTE's initial exploration of this topic identified 20 states that use the term CRT in the prohibitive legislation. The legacy of racism in schools underpins anti-CRT legislation and other political efforts.
- **Theme Two: Legislation Targeted Toward the Erasure of Sex, Gender, and LGBTQ+ Diversity in Schools**
  - Current censorship legislation targeted at eradicating gender and sexual diversity in schools also includes the banning of "divisive concepts" from being taught in all public education systems, including IHEs, and has the great potential to stall intellectual and social conversations in postsecondary and other settings. This legislation is equally couched in false narratives regarding members of LGBTQ+ communities. Like anti-CRT legislation, this legislation targeting the rights of sexually and gender diverse students and persons has persisted for decades.

- **Theme Three: Distorted Narratives through Whistle-Blown Language**
  - Policymakers, both state and local, intent on curtailing diversity of thought in IHEs and other educational spaces, have successfully employed false narratives and whistle-blown language to create a climate of fear and cool the efforts of educators and other educational stakeholders to create equitable learning environments for students through accurate and inclusive teaching practices in schools.
- **Theme Four: Funding**
  - One of the most detrimental results of censorship legislation includes the ability of policymakers to violate equitable education through the reduction of funding for IHEs and other schools. The reduction of funding has serious implications at the state level, given that resources for schools, educators, and students are presently lacking.
- **Advocacy**
  - Educators
    - Maximize established inclusive curriculum and standards towards *accurate*, inclusive, and equitable delivery of content.
    - Create safe and inclusive spaces for fellow educators to minimize teacher attrition and maintain and enhance school climate.
- **Administrators**
  - Advocate for educators' effective teaching practices and expertise in schools to maintain and enhance a positive school climate.
  - Provide appropriate district policy updates for educators, parents, and students to maintain and enhance a positive school climate.
- **Parents**
  - Engage with local school boards, educators, and other school staff toward creating an array of opportunities for learning and inclusive classrooms.
  - Utilize public platforms to highlight the ways in which inclusive teaching has benefited (your) children, families, and communities.
- **IHE Faculty and Staff**
  - Leverage general counsel, faculty Senate, office(s) of diversity equity and inclusion (DEI), and student advocacy to combat restriction of intellectual and social advancement through higher education.

## INTRODUCTION: SETTING THE POLITICAL STAGE

In January of 2021, President Biden rescinded Executive Order (EO) 13950, *Combating Race and Sex Stereotyping*, which barred any federal contractor or subcontractor from providing diversity related programming (Office of Federal Compliance and Contracting Programs [OFCCP], 2022). President Biden's rescinding of EO 13950 was a part of the Administration's larger efforts to advance its own equity agenda through EO 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. Biden's EO supports historically marginalized communities by advancing equal opportunity in government policies and programming (OFCCP, 2022). Notably, the Administration's EO described "equal opportunity" as the "bedrock of society" (OFCCP, para.1).

Likewise, the U.S. educational system is often regarded as the bedrock of intellectual, social, and economic progress in our country. While education has created avenues of forward movement, educational systems and practices have also contributed to some of society's greatest inequities. Much of this inequity can be traced back to landmark educational shifts, namely the compulsory schooling movement of the late 19th century, which simultaneously mandated school attendance for children throughout the nation, while serving as a system of forcible assimilation for, primarily, immigrant and Indigenous students (Katz, 1976), thereby violating the rights of children and families from its inception (Battiste & Henderson, 2018; Lleras-Muney, & Shertzer, 2015). The compulsory schooling movement also

**“ Indoctrination is expected and assumed. Never in my long career has the classroom become so politicized and confused, teachers so maligned and distrusted as the view of education being a vehicle for transformation dims. ”**

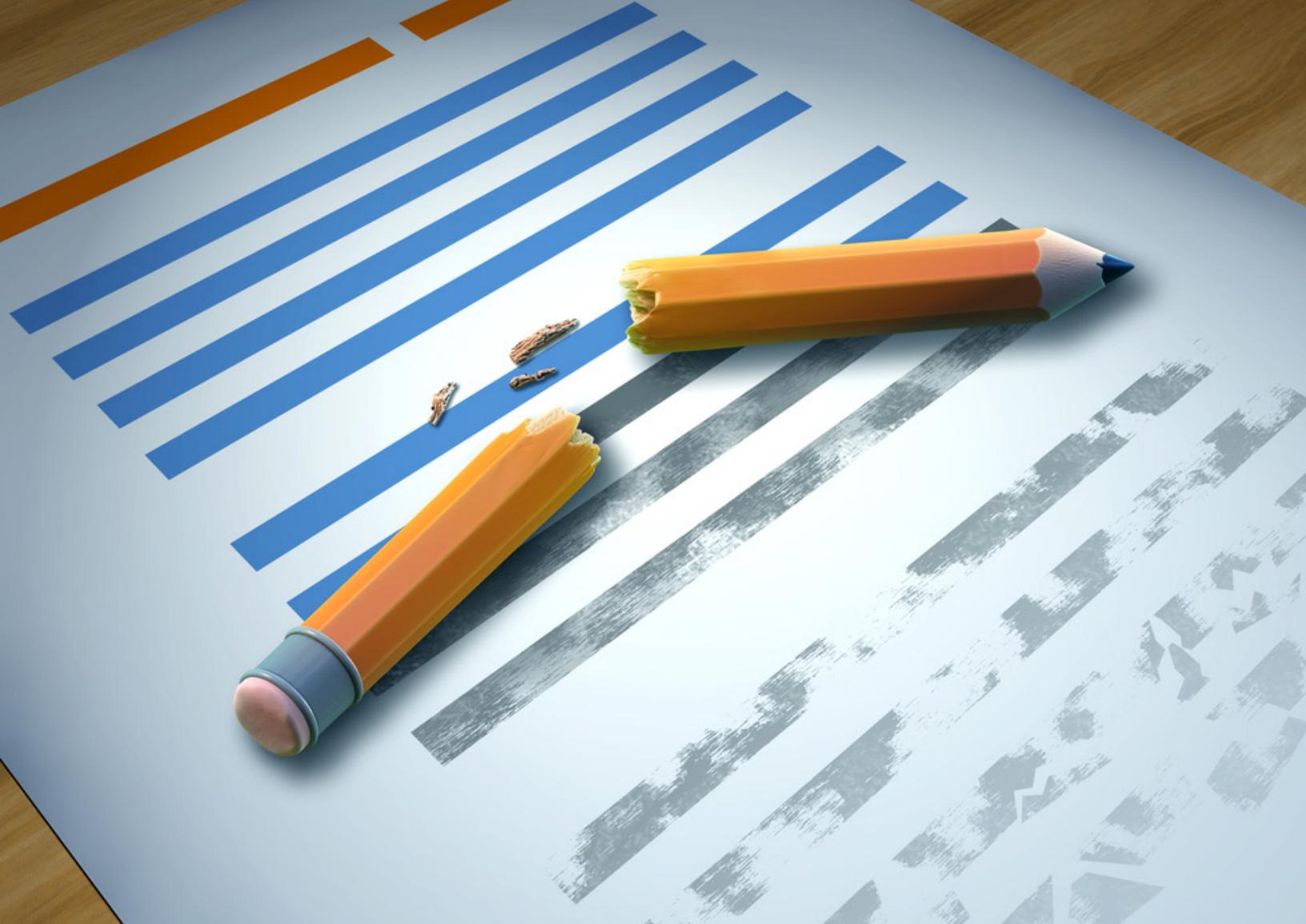
– Willie Randall, Diary of a Targeted Teacher

Willie Randall is the pseudonym for an American educator who's taught race and racial theory at multiple schools in multiple states

<https://www.aapf.org/theforum-targeted-teacher-illegal-work>

excluded African American children from White-established schools, leaving these families and communities to craft their own educational path with significantly less resources (Enomoto & Angus, 1995; National Park Service, 2021). It would be over 100 years between the first modern compulsory school law (Massachusetts, 1852) and the Supreme Court decision that mandated the desegregation of schools in the U.S.

No other educational shift is more noted than *Oliver Brown, et al. v. Board of Education of Topeka, Kansas*, 347 U.S. 483 (1954), 349 U.S. 294 (1955). These landmark decisions indefinitely changed the landscape of U.S. education, setting precedents that both elevated the state of education and added to perpetual injustices for Black students, families,



and communities (Bell, 1980, 2004; Ladson-Billings, 2004). Federally sanctioned racial desegregation could not erase the entrenched inequity of our educational system, most especially, ingrained ideologies that have helped to maintain the very educational systems that necessitated *Brown I* and *II*. The significance of these landmark decisions is confirmed by both current and historical efforts to halt desegregation in schools (Aucoin, 1996; Hershman, 2022; Skiba & White, in press).

Not only is the context of *Brown I* and *II* historically significant, but it also frames present issues of censorship legislation and underscores the ever-present bigotry that suffocates the potential of our educational system at large. The Civil Rights

Era, in particular, the time after the *Brown* decisions, was marked with unquestionable efforts to rewind progress. While not the first act of mass resistance before or after the *Brown* decisions, the Southern Manifesto (March 12, 1956) marked a legislative turning point in modern history by vehemently hearkening the “rhetoric and resistance of the old Confederacy” (Cashman, 1991 as cited in Aucoin, 1996) in direct and open opposition to federal law. This declaration, initiated by members of the 84th Congress who opposed desegregation in schools, villainized the *Brown* decisions and declared these decisions an attack on state’s rights (U.S. House of Representatives, n.d.) – an “abuse of judicial power” (Aucoin, 1996, p. 182). The Manifesto spawned legislative action in key states, several of which

have also emerged as leaders in current censorship legislative efforts. In kind, massive resistance efforts of the mid-20th century served as a precursor to the social and political violence we presently witness. Physical violence and persecution against Black persons and White allies alike; passage of state laws (e.g., pupil placement); constitutional amendments; retraction of funding; firing of Black educators, administrators, and other school personnel; proliferation of white supremacist groups guised as orderly and law-abiding councils and assemblies are all representative of the pervasive intimidation and terror used to maintain inequitable educational practices then and now. The spirit under which “anti” legislation currently exists mimics the legislative efforts of the past and it is through these legislative efforts that suppressive and oppressive ideologies persist, harming a range of diverse students, families, and communities.

While education has yet to serve as the “great equalizer” of social injustice (Grove & Montgomery, 2003), policymakers invested in serving *all students have worked to realize more equitable educational practices and outcomes. Legislation such as the Elementary and Secondary Education Act of 1965 (ESEA - P.L. 89-10), its successor, the Every Student Succeeds Act (ESSA, P.L. 114-95), and the Individuals with Disabilities Education Act (IDEA, P.L. 94-142), have helped to move our educational system towards authentic inclusion and equity. Unfortunately, these laws, nor rights campaigns that have emulated Brown v. Board and the Civil Rights Movement at large, have not, independently, been able to achieve equitable educational practices and outcomes for diverse students, families, and communities.*

**“ When...the lived experiences of historically and contemporary oppressed scholars is muzzled, educators are faced with either conspiring against or being complicit in the ideology being codified in legislation across the country. ”**

– Anonymous Faculty Member, Florida

## STATEMENT OF THE PROBLEM

The current political landscape is not new and yet, it *feels unprecedented*. Perhaps, the unparalleled context and consequences of the COVID-19 pandemic have intensified the atmosphere of political turmoil. Most certainly, the pandemic helped to create the cloak of fear under which current censorship legislation persists. Furthermore, the massive efforts of a small fraction of policymakers to regulate inclusion and justice in education embodies the theme of violence sustained throughout the pandemic. These policymakers have taken center stage in efforts to establish a regressive path by championing legislation that seeks to contain social and political progress through educational censorship.

While this legislation attends to much more than anti-CRT work, Critical Race Theory (CRT) frames the conversation of censorship legislation, with the publication of Nicole Hannah Jones and colleagues' 1619 Project (Hannah-Jones et al., 2019) sparking a national conversation regarding traditionally accepted accounts of U.S. history, particularly, chattel slavery. Policymakers and associated organizations set on maintaining traditional and inaccurate historical narratives; including the unjust economic, social, and educational frameworks that thrive as a result; have reframed the definition and purpose of CRT (Ladson-Billings, 2022), thus providing a less than thorough description of this framework and no related information about the ways knowledgeable scholars have employed CRT toward more equitable and inclusive practices for all students. Additionally, opponents of CRT have yet to acknowledge the ways in which CRT has been legitimately used (not as a method for teaching



students in grade school), nor do they justify their conflation of critical research and scholarship with the teaching of well-documented and standards-based critical thinking skills in schools.

While we no longer have renowned scholar, Derrick Bell, to directly comment on the accurate definition of CRT, we do have his seminal work (1980, 1995) to guide us toward a truthful understanding of the theory. Furthermore, we have scholars who, since Bell, have attended to this theory towards an expanded use in educational research (Delgado & Stefancic, 1998; Ladson-Billings, 2021; Solórzano, 2021). In her 1998 piece, *Just What is Critical Race Theory and What is it Doing in a Nice Field like Education?*, Ladson-Billings provides an overview of CRT's origin, describing it as an "outgrowth" of critical legal studies (CLS), which exposes the ways in which traditional legal scholarship maintains classist frameworks. Because CLS did not address issues of racism in its analysis, legal scholars of color



developed CRT. As a theory, CRT asserts that racism is embedded in the natural order of our society, foregrounds the experiences of marginalized peoples to better understand this baked-in racism, challenges the notion of liberalism as a political or societal solution to racism and its effects, and asserts that White citizens benefited from the Civil Rights Movement as much if not more than any other demographic group (Ladson-Billings, 1998). In a recent interview (Ladson-Billings, 2022), Dr. Ladson-Billings decisively states, "Its (CRT) fundamental job is to ask the question, 'How do we explain racial disparity?", particularly in the context of racial progress (e.g., *Brown v. Board*, affirmative action) that has not yielded equitable results for Black citizens and other marginalized groups. Ladson-Billings (2022) asserts that if significant efforts toward equity have been made in both policy and practice, but to no avail, there is quite likely a deeper cause at play, one that cannot be remediated without critical examination

of the systems in which these inequities persist. CRT simply examines these systems to develop an understanding of how racism persists in the face of progress. Education is one of these systems and scholars, whose work is essential to advancing equitable teaching and learning, have employed this theory to understand persistent injustice in education. While CRT and its tenets help stakeholders to understand educational inequity in all settings, CRT has not been used by P-12 educators and has been conflated with necessary accurate historical truth telling in schools.

A large proportion of anti-CRT legislation has been targeted at colleges and universities (Brown, 2022). In many ways, institutions of higher education (IHEs) serve as the origin of magnified knowledge, challenging students through heightened forms of critical thinking. Much of this legislation includes concurrent mandates for public P-12 schools and universities. If passed, such legislation will generate restrictive spaces of thought for university

faculty as well as P-12 educators, establish a firm precedent for state-sanctioned and mandated suppression across all public spaces, and validate the same oppressive ideologies that have plagued U.S. educational systems and practices to date.

## STATEMENT OF PURPOSE

Historical and continued efforts to realize educational equity amidst a pandemic mired landscape paired with a national reawakening of racial angst and reckoning have influenced the way that practitioners, scholars, and policymakers understand teaching and learning across P-postsecondary spaces as well as best policy and practice for moving the field of education forward. In clear counter effort to anti-CRT legislation and censorship legislation in IHEs and other educational spaces, this report highlights legislative attempts of censorship in teaching and learning in IHEs, thus exploring the impact in higher education, P-12 education, and the teaching profession at large. By providing an overview of censorship legislation to date, AACTE explores how current legislative efforts fit into the larger framework of educational policy and practice, therefore ensuring current and future advocacy work is grounded in achieving educational equity for our historically under-resourced schools, students, and communities. This report serves as the beginning of AACTE's ongoing efforts to investigate legislative censorship, provide real-time information to stakeholders, and support advocacy work in states. In reviewing the broad suite of bills and enacted legislation, the author finds several reemerging ideas.

“ [Regarding anti-CRT legislation & climate] I think it’s trying to erase history by eliminating historical text that tells what really happened instead of just realizing what actually happened ... and making a valiant effort not to repeat the past they want to act as if it didn’t happen. ”

– Anonymous PK-12 Teacher, Florida

### Theme One: Legislation Targeted Toward the Erasure of Ethno-Racial Diversity in Schools

It is no surprise that every bill or enacted legislation includes outright or more reserved references to the prevention of racial enlightenment in public IHEs and other (public) sectors. Much of this legislation directly bans anti-racist curriculum (GLSEN, 2022a). For example, GLSEN has tracked thirteen states that have passed laws prohibiting anti-racist curriculum. Of note, some of these states' legislative efforts represent the most comprehensive “anti” policies nationwide. For example, Alabama's House Bill (H.B.) 8 which prohibits the teaching of “divisive concepts” concerning race or sex in public education systems, including IHEs; Kentucky's H.B. 14 which prohibits any school, P-postsecondary, from providing instruction related to race, sex, or religion; or Louisiana's H.B. 564 which prohibits instruction of “divisive concepts”

related to race and sex in public education systems, including IHEs; represent a modicum of proposed legislation aiming to quell burgeoning intellectual and social thought, conversations, and instruction in postsecondary and other education settings. Some of these legislative efforts also prohibit “mandatory training” for students in IHEs (e.g., Florida’s H.B. 57, Iowa’s House File [H.F.] 802). Under such legislation, IHEs cannot address social and political issues in context through curriculum, content, instruction, professional learning, or other forms of engagement on campuses.

As stated at the onset and corroborated by “scholars who coined and advanced the framework”, “narratives about CRT are gross exaggerations of the theoretical framework” (Ray & Gibbons, 2021, para. 2). As of July 2022, AACTE identified approximately 20 states that use the term “critical race theory” (CRT) in their prohibitive legislation: Alabama’s H.B. 11, Idaho’s H.B. 377, and North Dakota’s H.B. 1508 to name a few. While most of the bills that have passed do not mention CRT explicitly, the language strongly intimates generalized and inaccurate ideas regarding critical evaluations of systemic and institutional racism. The conflation of political agenda with necessary critical analysis of entrenched racial inequities is most fittingly illustrated through hyper-targeted legislative efforts. In the initial search, approximately 20 bills were identified that explicitly prohibit teaching of the 1619 Project (Pen America, 2022) which was published not long before the murders of Breonna Taylor and George Floyd. In July of 2021, the Senate introduced the Stop CRT Act to codify EO 13950, which would block federal funds from P-12 schools and IHEs that use CRT in instructional practices or otherwise. Legislative efforts to halt any mention or use of CRT in IHEs have and will, likely, continue to be used as propagandistic rhetoric for the upcoming midterm elections.



## Theme Two:

### Legislation Targeted Toward the Erasure of Sex, Gender, and LGBTQ+ Diversity in Schools

Not surprisingly, anti-CRT / censorship legislation reinvigorated “anti-gay activism” in schools (Stern, 2022). Current anti-gay censorship legislation, disguised as legitimate policy, perpetuates violence on the LGBTQ+ community (e.g., Don’t Say Gay, No Promo Homo, Anti Homo, Promo Hetero, and other focused legislation). Since as early as 1978, the rights of LGBTQ+ persons have been legislatively challenged (Rosky, 2017). On April 6, 1978, Oklahoma’s Mary Helm and John Monks introduced the first anti-gay curriculum law, H.B. 1629. In 1977, Miami-Dade County enacted a local ordinance that prohibited discrimination based on “sexual preference” which prompted Anita Bryant, who would be given primary credit (along with John Briggs) for the 1978 legislation, to launch

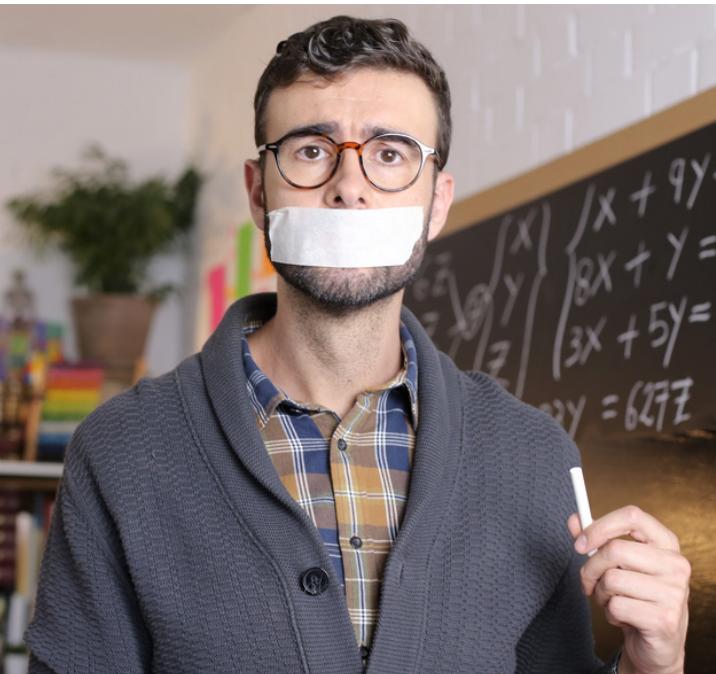
a “Save Our Children” movement targeted at “homosexual schoolteachers.” Bryant peddled the notion that educators, who were also members of LGBTQ+ communities, were not equipped to serve as adequate role models for students. On the heels of Bryant’s legislative success, Monks also began his “Save our Children” campaign, allowing school districts to suspend, dismiss, and even deny employment to those involved in public homosexual activity or conduct. Such legislation has persisted in various forms and under unfounded pretenses of safety for students, families, and communities (Rosky, 2017). The American Civil Liberties Union (ACLU) and extant research have documented legislative efforts that pre-date the outbreak of COVID-19 and recent racial uprisings (ACLU, 2022; Rosky, 2017). These bills have repeatedly ‘targeted transgender people for discrimination,’ on a range of issues included but not limited to “restricting transgender students’ ability to fully participate in school,” and preventing trans people from acquiring “identification documents with their name and gender” (ACLU, 2022).

Policymakers’ efforts to constrain educational thought and practice by targeting topics related to LGBTQ+ people the expansiveness of “anti” policies as a counterattack to the ever-growing diversity of our nation’s citizenship and any related thought, action, or instructional practice in education. Furthermore, the relationship between historical and present anti-LGBTQ+ legislation parallels the racialized context of other censorship legislation. Such legislation marginalizes not only sex and gender diverse students and communities, but also marginalizes communities that live at the intersectionality of race, sex, and gender (e.g., two spirit persons and societies) (Funders for LGBTQ Issues/Racial Equity, 2022; Liacko, 2021). As of September 2021, GLSEN (2022b) identified 4 states

with “No Promo Homo” laws, prohibiting “positive and affirming representation of LGBTQ+ identities in K-12 schools.” While issues related to race have been foregrounded on many political and social platforms, affronts to the rights of non-conforming gender students and communities through (pre-pandemic) censorship of language, instruction, and thought are persistent and well documented.

Much of the legislation limiting the teaching of specific concepts concerning race also simultaneously prevents the teaching of specific concepts concerning sex and gender. For instance, Alabama proposed two bills related to sex and discrimination, one limiting the teaching of related concepts in university settings (H.B. 8) and another mandating penalties e.g., firing “for” persons teaching teaching these concepts (H.B. 11). Some legislative initiatives also prohibit mandated diversity training related to sex and gender in higher education settings (e.g., Iowa’s H.F. 802, Kentucky’s Bill Request [B.R.] 60) and negatively impact curriculum choice (e.g., Michigan’s H.B. 5097). Other states, including Rhode Island, South Carolina, Tennessee, and Texas have proposed similar legislation for a range of public settings. In counter effort, policymakers throughout the country have also enacted laws, regulations, and guidance affirming nondiscrimination protections for LGBTQ+ students and the importance of curriculum inclusive of LGBTQ+ peoples (GLSEN, 2022c). Such laws, regulations, and guidance include the prohibition of bullying based on sexual orientation, LGBTQ+ status, or gender identity, as well as inclusionary curriculum standards (Movement Advancement Project [MAP], 2022a, 2022b). Most recently, U.S. Secretary of Education, Miguel Cardona, issued a statement on Florida’s Parental Rights in Education Bill, stating that the signing of this bill represented the intentional targeting of vulnerable students

and families and a “dangerous trend across the country of legislation targeting LGBTQ+ students, educators, and individuals” (U.S. Department of Education, para. 2, 2022).



### Theme Three:

#### Distorted Narratives through Whistle-Blown Language

Through current legislative measures, policymakers have flagrantly targeted inclusive thinking and teaching in IHEs related to specific student groups and communities. These targeted assaults support current censorship in education as well as the historical legacy of state educational suppression. Among other efforts, proponents of educational liberation can work against these undemocratic legislative agendas by examining the strategic language used in these bills; the ways in which such language emboldens

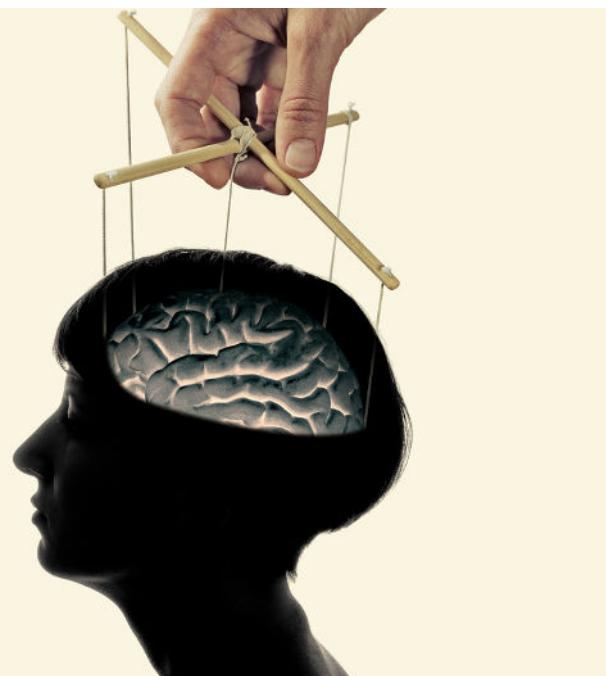
pressive politics in education; and how language choice enhances political rhetoric that further oppresses students, faculty, and other educational stakeholders in IHEs. Policymakers have constructed legislative language that sweepingly includes public schools, P-postsecondary, inaccurately defines and villainizes important concepts in educational theory and pedagogy, victimizes and inappropriately centers White students and communities, and incites divisive rhetoric through fear. Many pieces of state legislation include prohibition of specific concepts in public schools, IHEs, and state agencies, referencing any political subdivision, municipality, government agency, employee, or contractor. This wording covers a broad array of public institutions, giving states more leverage in monitoring and penalizing not only institutions and agencies themselves but persons working within these institutions and agencies.

AACTE examined over 100 proposed bills throughout various states. Of these, over 30% included language that associated topics related to diverse students and communities with “divisive concepts” and practices. While not directly stated, the rhetorical association between “diversity” and divisiveness not only misidentifies the purpose and actuality of diverse concepts, but it also criminalizes students, faculty, and other educational stakeholders who identify as part of these communities, support these communities through allyship, or simply work to encourage diversity of thought in schools. These same bills also exploit White, sexually heterogeneous, and gender-normative students and communities by declaring that efforts to promote awareness and critical thought in postsecondary educational settings among all students’ stereotypes’ or ‘scapegoats’ societally dominant populations. In truth, the examination of historical inequities using critical thought practices, such as CRT, works to remove the focus from individuals and groups

through analysis of systems and structures that persist beyond and despite individual actions.

Overall, while promoting rhetoric related to free speech and the First Amendment, this suite of bills denies free speech through the strict prohibition of liberatory ideas. For example, Iowa's Senate Study Bill (S.S.B.) 1205 and Senate File (S.F.) 478 misinterpret fundamental ideas such as diversity of thought and critical thinking in postsecondary education settings as a 'violation of free speech' and authorizes penalties for faculty as well as a suspension of funds for student government organizations that express or support "divisive concepts" as outlined. States, such as South Carolina, lead the way in crafting bill language to distort concepts and practices of free speech and evoke fear of diverse thought and critical thinking, using phrases such as "ideological coercion and indoctrination" (H.B. 4605) and "academic integrity" (H.B. 4343) to mask efforts that flagrantly discourage inclusivity and free speech.

## Theme Four:



## Funding

Only a small number of these targeted bills have passed. Still, the number of bills passed as law does not necessarily reduce the current impact on national thought, state decision making, educational censorship by unqualified parties, and future legislative efforts. Policymakers have established efforts to curtail educational liberation that include funding penalties for noncompliance. The Stop CRT Act, proposed by the Senate in July of 2021, includes the prohibition of "the allocation of federal funds to an ... institution of higher education that compels teachers or students to affirm certain race-based theories" (Congress.gov, 2022). In our cursory search, some bills analyzed included specific references to funding penalties, ranging from nonspecific fiscal amounts (e.g., Arizona's H.B. 2898, Ohio's H.B. 327, S. Carolina's H. 4100) to 10% of state funding (Wisconsin's S.B. 411). However, states' willingness to withhold funding from institutions, many of whom continue to experience COVID-related funding deficits, hearkens the historical leveraging of funds to stifle social and educational progress and sets a precedent that other states may use to enforce state-sanctioned curricular violence against students and faculty in IHEs.

**Implications:** The themes reviewed in this report mirror the historical nature of political response to educational change and efforts to maintain educational inequity in the face of tenacious progress. Policymakers, pushing restrictive legislation, lack the qualifications to make sweeping mandates regarding the depth or nature of instruction in IHEs and seek to regulate education in a way that would not be sanctioned among other professions. Furthermore, these bills are, often, passed with little to no debate. Their

focus on theoretical concepts that have long-been in existence and have moved the field of education forward, as well as their focus on marginalized populations in general, demonstrates an approach to educational policymaking that overtly attempts to halt educational progress for all students.

**In IHEs:** Attacks on IHEs also serve as a method to control intellectual and instructional thought. By restricting faculty and other instructors from teaching concepts that attend to the needs of historically marginalized students, families, and communities; lawmakers perpetuate discriminatory educational practices that will affect all those associated with higher education and impact the state of P-12 education as well. Censorship through legislation has the capacity to affect, not only faculty teaching, but also the essence of their scholarship and service and their very livelihood as professionals. Should these censorship bills pass, university researchers, instructors, and administrators will also have to contend with

censorship and its relationship to university funding at the state level. Overall, proposed legislation, despite its veil of protecting free speech, hinders the ability of students to confidently press forward in the traditional practice of general debate and critical inquiry for societal improvement. Finally, such legislation could significantly limit or halt diversity, equity, and inclusion efforts that take place on campuses through identified offices and programs.

### **Using Anecdotal and Historical Evidence to Understand Implications for Teaching and Teacher Education:**

As we consider the impact of IHE censorship legislation, we must also examine the ways in which such legislation will impact educator preparation programs and efforts of teacher educators to develop P-12 educators that are equipped to support the ever-increasing diverse populations of students, and work with equally diverse families and communities. Developing educators that will combat centuries of inadequate

**“ Everyone will look back one day and realize the deep impact that the conflation between politics and teaching has had on education at large ... it feels as though this may be a kind of censorship and oppression that will take us, at best, another century to come back from. ”**

– Anonymous PK-12 Teacher, Florida

instructional practices for students through culturally responsible and sustaining practices, engagement in constant reflection towards informed teaching, and evaluation of their work cannot be done without the intellectual freedom of teacher educators and the liberty to create standards for educator preparation programs that support this work. Furthermore, suppressive legislation will create significant and costly bureaucratic burdens at the expense of both taxpayer dollars and student learning and may also negatively impact retention and attrition rates among educators and restrict the rights of educators to fully serve diverse students and their equally diverse needs.

Much advancement has been made in the field of education, particularly in curriculum development and instructional practice. For example, scholars and practitioners have worked to foreground the importance and effectiveness of instruction that attends to the needs of culturally diverse student groups (Aronson, & Laughter, 2016; Brown-Jeffey & Cooper, 2011; Gay, 2000; Ladson-Billings, 1995, White, 2022). Yet, current censorship legislation inches dangerously close to interfering with research-based instructional practices that maximize critical thinking skills of students, prepare them for future learning, and provide the expertise needed for students to compete in an increasingly globalized market economy. Most recently, the Florida legislature passed the Parental Rights in Education Bill, dubbed as the "Don't Say Gay" bill and the Stop Woke Act. These laws restrict culturally responsive and evidence-based instruction that supports all students and reaffirms the ongoing efforts of Florida's Educational Commissioner to limit best practices through previously existing "anti-woke" guidance and informal and formal rulings. These guidance

and rulings have been applied to schools and state discretionary projects that provide resources and support for schools and districts, forcing them to scrub their deliverables and programs of diverse content including social-emotional supports for students and limit their resources to Florida-based content. This legislation will undoubtedly pose difficulties related to the use of innovatively inclusive content and curriculum standards in educator preparation programs as well.

Current censorship legislation not only impacts instructional practices in schools, but also impacts school climate. While advocates and allied policymakers work to enact legislation that improves the learning, physical, and socio-emotional environments of students; policymakers working toward suppressive legislation also diminish any possibility of school climate improvement on behalf of students and other educational stakeholders. The legislation cited in this report emphasizes the erasure of marginalized student groups, the same student groups that experience the brunt of poor school climate policies, practices, and outcomes. Additionally, such legislation will undoubtedly negatively impact how educators, administrators, and other school personnel experience school climate. To be forced to work in environments permeated by fear of job loss, fines based on the contortion of standard teaching practices, and laws that may even restrict their ability to live within their own identities will not only deter educators from remaining in the profession, but reduce the pipeline of students interested in and willing to enter the field.

A dwindling educator pipeline plagued the field of education long before the pandemic. Contributing factors include but are not limited to inadequate alternative certification programs, needed

improvements in comprehensive preservice teacher education programs, insufficient mentorship for novice educators, standardized testing for educator candidates, poor working conditions, and meager pay to name a few. COVID-19 has now exacerbated the demands placed upon educators, administrators, and other educational stakeholders. Educators are especially charged with traversing a new and online instructional platform, while simultaneously navigating national criticism of teachers and education at large. Now, in the wake of racial reckoning, the growing push for LGBTQ+ rights, and other liberatory reform efforts, educators must contend with the demands of legislation that will further inhibit their ability to equitably serve all student needs. The issues that have plagued educator preparation are now compounded in the current political context. Not only will these shortages show up in general numbers, but they will be evident in the further reduction of diverse students choosing to enter the teaching profession. Thus, it is consistent with AACTE's mission to advocate for education policies that promote a diverse, representative, and inclusive educator workforce. Such advocacy may also help to mitigate national teacher shortages.

Concluding with a Call to Action: In comparison to the number of proposed bills, few have passed. However, this, in no way, minimizes the deep curriculum and social violence that such legislative efforts perpetuate. Censorship in education has been used to thwart advancement in progressive intellectual thought, teaching practices that contribute to equitable instruction and outcomes for students at all levels, and often occurs during periods of notable social and political shifts. Current censorship bills stifle intellectual attention to marginalized communities in IHEs and, consequently,

all educational spaces; target the agency and autonomy of all educational stakeholders; and attempt to silence the experiences and liberation work of marginalized communities at large.

During AACTE's 2022 Washington Week plenary session, panelists proposed key actions in which educators, administrators, parents, and IHE faculty and staff can engage to help turn the current political narrative. Educators can maximize inclusive curriculum and content standards that currently exist within states and districts. Educators also have the opportunity to support one another and create safe and intentional spaces to converse and create solutions for educators by educators. School administrators can support educators by advocating on their behalf and working toward school climates that support not only students and families but educators and other support staff as well. Educators cannot do their best work on behalf of students if they are forced to work in schools where their personal identities are attacked and conflated with the intention and practices of serving students equitably. School administrators can also provide timely updates for educators and other staff regarding local legislative changes and assist educators in maximizing curriculum and content through intentional professional opportunities and internal examination of state and district curriculum that predates current legislative censorship. Parents can exercise agency through advocacy efforts with local school boards, planning and organization with like-minded educators and other school staff, as well as interaction with local media outlets in service of educational equity in local schools. Higher education administration and faculty can leverage general counsels, faculty Senates, offices of diversity, equity, and inclusion (DEI), and the

advocacy frameworks of students (e.g., student government) to explore ways of mitigating legislative censorship in education. Overall, educational stakeholders are charged with resisting the chilling effect (Patterson, 2010) that creates a climate of self-censorship regardless of whether laws are passed and enforced; and with leveraging current political and practical freedoms to support the needs of diverse students, families, and communities to defend space for liberated education practices; to protect accurate historical truth telling in schools; and to encourage the kind of intellectual autonomy that has and will continue to advance educational equity and develop citizens prepared to support a burgeoning global economy.

Currently, over nineteen censorship laws have been passed (PEN America, 2022). AACTE will continue to monitor proposed legislation, including efforts to attach these mandates to state funding; the impact on faculty, staff, and students in IHEs; implications for P-12 education; and consequences related to educator preparation, retention, and attrition. As AACTE works to provide updated information related to educational censorship in IHEs, AACTE urges practitioners, policymakers, researchers, parents, and advocates to oppose and actively frustrate suppressive political action in IHEs and beyond through advocating for legislation that supports equitable instructional and socio-emotional experiences for all student groups, foregrounds the agency and instructional expertise of educators and scholars, and maintains the rights of diverse students and communities at local, state, and federal levels.

**“** [regarding censorship] What is clear is that those in power, those who attempt to de-professionalize our work, are not interested in the welfare of children and families. **”**

— Anonymous PK-12 Teacher, Florida



**“** “I wasn’t paid enough. I wasn’t valued enough. And now [policymakers]... want to burden us with more work that has absolutely nothing to do with the job of teaching but more to do with the political fights of people who couldn’t care less about teachers or students and who haven’t set foot in a classroom since they left 12th grade. It’s not worth it so I left.” **”**

— Anonymous Former PK-12 Teacher,  
North Dakota

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