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Securing the Future of Democracy Through the Continued Education of “Divisive” Concepts

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Honors Project

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Introduction

Education. One of the most loved and hated parts of our childhood. The school building is the place where we made friends, learned how to add and subtract, learned what the Declaration of Independence and the Constitution meant to our country, and developed a lot of our understanding of the world. Almost everyone we meet has been to school at one time or another, whether it just be grade school or high school or all the way up to a doctorate program. As someone who loves learning, I was particularly fond of my years spent learning not only about book subjects, but also about what it means to be a citizen and a human being. Education not only effects those in school but has a lasting effect on a student's future and the people who will be future leaders of our cities and states.

A few questions arose when I first learned about the two House Bills currently being developed in the Ohio House of Representatives. Why has education become politicized, where the majority party decides what can be taught in public schools and what cannot be taught? How will public policy affect social studies curriculum? Does social studies education lay the foundation for students' future civic engagement? If certain "divisive topics" are removed from K-12 curriculum, what does that mean for future students? This paper strives to answer these questions as well as provide an argument for why the opposition of House Bills 322 and 327 is necessary to ensure a civic, democratic future for the United States. This paper also provides a few policy alternatives and evaluates each alternative for its social acceptability and political feasibility.

House Bill 322 and House Bill 327 drafted from the 134th General Assembly in the Ohio House of Representatives are the cornerstone for this argument. House Bill 322 was introduced to amend certain sections of the Revised Code regarding "the teaching of certain current events and

certain concepts regarding race and sex in public schools (House Bill 322 - 134th General Assembly).” This bill aims to ensure that no state board can require the teaching of current events or any widely controversial topics. House Bill 327 was also introduced to revise certain sections of the Revised Code, but this time to “prohibit school districts, community schools, STEM schools, and state agencies from teaching, advocating, or promoting divisive concepts (House Bill 327 - 134th General Assembly).” These two bills, if passed, would restrict and censor how K-12 teachers can discuss sexism and racism and they also limit professional training for teachers and staff regarding topics that are considered “divisive.”

One word that is important to define at this point is “divisive.” According to the Oxford Languages definition, divisive means “tending to cause disagreement or hostility between people.” With this definition, it is hard to deny that the teaching of race and sex in schools will cause disagreement, but I would argue not necessarily hostility, more discomfort. In this instance I argue that the problem is not in the discussion of “divisive” topics, but in the people who have been nurtured and taught one viewpoint, that may not be historically accurate, and did not have a chance to learn all the facts they should have. Therefore, it is vital that social studies teachers are allowed, and even encouraged, to teach about the topics that may shed a negative light on the founding and strengthening of the United States. Through this kind of education, students can then strive to improve our country instead of just accepting the faults and continuing on a harmful path.

Another concept that needs defining is “social studies.” I will specifically be discussing Ohio’s social studies curriculum that pertains to K-12 schools. The first thing mentioned under the “Philosophy and Guiding Assumptions” of the Ohio Learning Standards for Social Studies is “The aim of social studies is the promotion of civic competence – the knowledge, intellectual processes, and democratic dispositions required of students to be active and engaged participants in public

life” (Ohio Department of Education). This sets the standard for the concepts taught in social studies classes and provides a clear idea of what I mean when I am referencing social studies education.

The final term I must define is what it means to be a “democratic citizen.” As we all know, democracy refers to the type of government where the people participate and have the authority to decide legislation or choose the government officials who do that for them. As a citizen of the United States, it could be argued that we all have some level of responsibility to participate in our government. A democratic citizen is someone who actively participates in government, whether that be small actions such as voting, or larger actions such as holding a political office. In order to be successful at this, a democratic citizen needs to be educated on the innerworkings of the government, as well as the relevant historical facts that show how the country got to where it is today.

Methodology

In this paper, I will use scholarly journal articles, books on public policy, relevant news articles, and primary sources of state law/proposed state law to answer the research questions articulated in the introduction. In selecting and examining my sources I will look for sources that relate more specifically to Ohio, so as to narrow the frame of my research. I will try to stay in a more recent timeline, around 1980-2022, so that the results may be relevant to today. I will utilize JSTOR, NexisUni, and EBSCO, as well as the BGSU library to locate sources. I analyzed and synthesized my findings by carefully reading each source and annotating while I read in order to fully grasp what the source was saying.

History of Policy Debate

Before I begin to discuss the main argument, it is important to know the background of the educational policy in question. The central focus of Ohio House Bills 322 and 327 is perceived as being a debate on whether critical race theory should be taught in K-12 schools or not. Critical race theory is currently not taught in schools, but the language of the bill encourages people to presume that this theory is going to be taught to their children. Because of this, it is valuable to learn the history of the policy debate. In “What’s So Critical about Critical Race Theory?: A Conceptual Interrogation With Rodolfo Torres” by Antonia Darder, a clear origin is given of this theory where it states, “Critical race theory emerged as an offshoot of critical legal theory. Legal scholars in this tradition argued that legal theory had historically failed to engage in a critical analysis of society and, by so doing, continued to function as a fundamental tool of oppression that ultimately benefitted the state. (Darder 110)” In this quote, we get a clear idea of the beginning of this theory, which was developed to fill in a gap in societal analysis. Critical race theory uses narratives and storytelling as a central method of inquiry (113). Critical race scholars seek to prove that experiences of people of color are effective and legitimate bases for examining the legal system (Tate 197).

This theory was developed in the late 1970s and early 1980s and focuses more on outcomes than on people’s individual beliefs. The purpose seems to be to help students identify social inequality in their lives and critique those inequalities. There is a lot of confusion over what it means and “critics charge that the theory leads to negative dynamics, such as a focus on group identity over universal, shared traits; divides people into “oppressed” and “oppressor” groups; and urges intolerance (Sawchuk).” Conservative organizations often blame critical race theory for any issue that they deem “destructive” and against the fundamental ideas of the constitution. For

example, the Heritage Foundation blamed critical race theory for the 2020 Black Lives Matter protests, diversity training, and LGBTQ+ groups in schools (Sawchuk).

Thirty-six states across the United States have already passed bills or are working to pass bills like House Bills 322 and 327 (Stout & Wilburn). All these bills are presented by Republican legislators and use wording similar to President Donald Trump's executive order on "Anti-American Propaganda" in relation to federal employee training. Part of this directive states that "...related to any training on "critical race theory," "white privilege," or any other training or propaganda effort that teaches or suggests either (1) that the United States is an inherently racist or evil country or (2) that any race or ethnicity is inherently racist or evil" should be stopped (Blad). This order, and this stance, were all part of President Trump's re-election push and he even claimed that funding would be cut from schools who taught curriculum based on the 1619 project (Blad). As of May 17, 2021, the first four states had passed laws that limited how teachers can discuss controversial issues such as racism and sexism—Idaho, Iowa, Oklahoma, and Tennessee (Schwartz). As critical race theory is a relatively new concept, this seems to be the beginning of the policy debate around this theory. A couple states passed these laws, and many followed with their own versions.

This brings us to Ohio, with the introduction of House Bills 322 and 327, drafted from the 134th General Assembly in the Ohio House of Representatives. House Bill 322 was introduced to amend certain sections of the Revised Code regarding "the teaching of certain current events and certain concepts regarding race and sex in public schools (House Bill 322 - 134th General Assembly)." This bill aims to ensure that no state board can require the teaching of current events or any widely controversial topics. House Bill 327 was also introduced to revise certain sections of the Revised Code, but this time to "prohibit school districts, community schools, STEM schools,

and state agencies from teaching, advocating, or promoting divisive concepts (House Bill 327 - 134th General Assembly).” These two bills, if passed, would restrict and censor how K-12 teachers can discuss sexism and racism and they also limit professional training for teachers and staff regarding topics that are considered “divisive.”

Literature Review

In an ideal world, K-12 education would prepare students academically and civically, but there has been a shift in policy that focuses more on the academic than the civic. For example, No Child Left Behind was a federal bill passed in 2001 in an attempt to bring US schools up to speed with the rest of the world. This bill emphasized focus on reading and mathematics over other subjects such as social studies, and so helped reinforce the shift away from civic education (Callahan). This bill is also focused on every student meeting the common standards. The focus is on equality, where every student receives the same test and the same consequences if they fail to meet standards, and not equity, where every child would be given what they need to succeed in acknowledgement of diverse circumstances (Shaker and Heilman, p. 46). Public schools also provide an opportunity for more informal education through the social interactions inherent in public school life. The passage of this bill in 2001 set the stage for the educational legislation passed in the following 21 years, most likely impacting a few of the ideas behind House Bills 322 and 327.

The social studies education students receive now is focused on learning decontextualized facts rather than the major themes and concepts, and the focus is on certain learning standards so a student is successful on national assessments where they have memorized institutional and factual knowledge instead of learning more about contemporary politics. American philosopher John Dewey provides an argument for the potential of social studies to create participatory citizens.

He often argued for social studies as a potentially valuable subject for preparing students to become democratic citizens (Carpenter 31). Schools are the major educational institutions that all children go through and so has the responsibility to prepare them to become democratic citizens. Dewey saw students as citizens-in-training, and saw democracy as more than a political system so citizenship education should be more complex (34). He believed, "... the only way to make the child conscious of his social heritage is to enable him to perform those fundamental types of activities which make civilization what it is" (qtd. in Carpenter 34). History and geography were viewed as two of the major components and provide a overview of the significance of personal experience and "allow a person to see herself/himself more clearly in the evolving social context existent in the United States" (34). A well-educated participating citizen will benefit the community as much as it benefits an individual's personal life, and active democratic participation requires some sort of active democratic learning.

Continuing with the importance of social studies education, William Gaudelli and Megan J. Lavery's article, "Reconstruction of Social Studies", argues that "Schools are natural venues for intervention in the course of history: they provide a forum in which to apprise students of the facts of events, involve them in intelligent deliberations about what is fast becoming their social life, and thereby provide them with the analytic resources to effect change" (20). However, with recent policy changes, social studies education has become fragmented and isolated. Consider No Child Left Behind, mentioned in the above research. This bill removed social studies from the front lines and lessened its importance to children in schools. Gaudelli and Lavery argue for a reconstruction of social studies based on Dewey's writing and his model (22). "A reconstruction of the aims of social studies education will drastically impact the daily routines of schools. The school is not merely preparation for a life destined to be lived in "the real world." Instead, it is life

itself” (30). Perceiving school as life should be the basis for everything that happens in schools and should encourage children to interpret the subject matter in light of their own social views and values. Gaudelli and Laverty’s method of reconstruction involves three additions, one, to turn the focus away from descriptive knowledge and focus on moving towards the future, two, to focus more on communication through and across difference, and three, to expand and integrate social studies throughout all disciplines (33-34). These ideas fit with the policy idea of ensuring divisive concepts are taught and protect and revamp social studies education to help build responsible citizens.

One important topic at the heart of this policy debate is race. Race influences students’ educational experiences yet is conceptualized at a fairly low level. Social studies and history textbooks added themes of multiculturalism in the 1980s and 1990s, but analyses show that a lot of those changes were superficial (Eschmann and Payne 57). Children of color then feel tension between the reality they experience everyday and the world portrayed in textbooks. In Chapter 4 of their book, *Education and Society: An Introduction to Key Issues in the Sociology of Education*, Eschmann and Payne even argue that structural racism and hidden biases are ever present in education and that the system protects and even propagates harmful points of view (59). Their argument and research is further examples of how minority voices could be further silenced if all “divisive concepts” were removed from school curriculum.

One part of my argument is that these divisive concepts should be taught in K-12 schools, of which many people would be wary of teaching difficult concepts to younger children. However, Jennifer Hooven et al. argue in “Never too early to learn: Antibias education for young children” that lessons on diversity, equity, and race are important and should be taught to children in those younger settings. A quote I found particularly compelling reads, “Antibias education, we agreed,

is not tied to a particular political party or value system. It is a nonpartisan tool for supporting children's social-emotional development, affirming their self-worth, addressing race and culture openly in our classrooms, treating all children fairly, and encouraging them to think critically about the problems that our society face” (65). Children are directly impacted by the topics they learn, or do not learn, in their education so it is important to educate them fully on diversity and equity so they can proceed in the world as successful and participatory democratic citizens.

Also important to consider is the support, or lack of support, for the House Bills. A local news article from the *Dayton Daily News* investigated local Dayton, Ohio public schools and found that conversations around current events related to racial justice or topics of history related to racial equality are not required in schools (Laird and Kelley). They also found that local educators oppose House Bills 322 and 327 and agree that more difficult conversations need to be had around race, not less. The *Columbus Alive* echoes these sentiments with an article directly against the two House Bills. The article argues that these bills would refuse to acknowledge the inequality, implicit racism and biases that exert a force in everything (Downing). These are just two examples of the many opposing narratives that exist.

There are a lot of actors who would be affected or who have a stake in the possible passing of House Bills 322 and 327. At the institutional level we have the Ohio House of Representatives. This is where the House bills were introduced specifically by legislators Don Jones of the 95th house district (House Bill 322 – 134th General Assembly), Diane V. Grendell of the 76th house district and Sarah Fowler Arthur of the 99th house district (House Bill 327 - 134th General Assembly). Also, important to note are the many other states across the nation that are working to pass or have passed similar bills. These are important influencers for the Ohio representatives who sponsored the Ohio version of the bills.

Another important section of actors is interest groups and labor unions. The Ohio Education Association is one labor union that is at the forefront of this policy debate, especially against House Bill 327. Other groups that are against the passing of these House Bills are the League of Women Voters, Children's Defense Fund of Ohio, the American Civil Liberties Union (ACLU) of Ohio, Ohio Council for the Social Studies, and university organization such as the Akron American Association of University Professors (AAU).

An example of a group of actors who support these bills, is the group found at stopcriticalracetheory.com. On this website there are numerous interest groups listed as members of this effort and who support the pledges and principles. This includes groups like the West Chester Tea Party, We the People Convention, Republicans for a Greater Cincinnati, Free Ohio Now, and the Ohio Republican PAC. These groups tend to be mostly nonpartisan or republican grassroots organizations involved in this coalition against critical race theory. Finally, there are individuals who are speaking out either for or against these bills such as professors of public universities, editors of newspapers, and citizens posting on social media. All of these actors give testimony at the Ohio House in support of their position, giving a clear glimpse of what their narrative is in regard to these policies.

As shown by this research, and the many actors and narratives at play, there is large opposition to any policy that would restrict and censor divisive concepts from being taught, especially in regard to conversations surrounding race and sex. One of the goals of education should be to prepare students for their life after the school building, in order to ensure participatory democratic citizens emerge. House Bills 322 and 327 would directly restrict that goal and also restrict conversations around race and sex. We could see more banning of books and more divisiveness spread as students are left feeling alienated from classroom discussion. Because of

this, a policy analysis is needed to examine the policy options and determine which one would be the best for securing a democratic future and a more inclusive education for our K-12 students.

Scope and Severity of the Problem

Teaching divisive concepts in K-12 schools creates significant conflict between the opposing parties of the Ohio legislature. As mentioned before, the focus is on critical race theory, which is not taught in schools at that level, but nonetheless banning the theory may cause other topics to be removed from the public-school curriculum. This issue is significant because of the misunderstanding surrounding what critical race theory means and where it is taught. It is also significant because students and teachers would be directly affected by the policy that passes. If a policy is passed that would restrict these “divisive topics” from being taught in K-12 schools, then important civic topics, such as American history, would be altered to only teach the topics that do not sow discomfort in classrooms. This would have a lasting impact on the future generations of American citizens who learn from the public schools. Not passing a bill and leaving the status quo might prevent the issue for now, but it might arise again in the future. Passing a bill that promotes the teaching of these “divisive concepts” would be difficult but would ensure that K-12 schools teach these topics amid the discomfort. So, the question remains - What policy should we pass, if any, to address the issue of divisive topics being taught in schools?

An analysis of this policy is needed because the issue at hand is widely controversial and is misconstrued by each side to fit their competing value and belief preferences. “Divisive concepts” are not strictly taught in K-12 schools but any legislation to restrict them could be harmful and cause the current curriculum to drastically change. An analysis will show the policy options to choose from, as well as consider which solution might be the best to solve the issue.

Issue Statement

To assist in this analysis, it is important to remind of the definitions of the issue. “Divisive concepts” is a rather broad idea and often causes confusion as to the meaning. Most people believe that this refers to critical race theory, of which, “One of the principles of CRT is that racism is the result not just of individual bias but of outcomes that legal systems and policies reinforce (Morgan).” The divisive concepts refer to any concept that would cause disagreement or hostility between people, specifically on topics of race and sex. A problem definition conflict occurs between the two opposing sides of the argument, where those in favor of restricting divisive concepts from being taught in public schools, see the problem as their children possibly being taught critical race theory in school. Whereas those who oppose any efforts to restrict divisive concepts from public schools argue that critical race theory is not even taught at that level and so there is no legitimate reason for these bills to be enacted. They also argue that more difficult conversations surrounding race should be had in schools, not less conversations.

The goals and objectives of this analysis largely consist of evaluating the possible policy options to solve the issue of teaching divisive concepts in K-12 public schools and determining which one might be the most feasible, as well as which one is the most ideal. The two evaluative measures I will use in this analysis are political feasibility and social acceptability. Political feasibility refers to the extent to which elected officials will support and accept the policy proposal (Kraft & Furlong, 183). This criterion can be difficult to determine and depends on the changing perceptions of the political conditions. Social acceptability, however, refers to the extent to which the general public will support a proposed policy option (183). Both of these criteria are being used for this issue because of how controversial that issue can be. It is important to consider both the political feasibility and the social acceptability of any proposed policies dealing with divisive

concepts in public education because it will be harder to pass any proposed legislation if the bill does not have at least one between political feasibility and social acceptability.

Policy Alternatives

In this analysis we will consider three policy alternatives. One option is status quo, where we leave the issue alone and let school curriculum exist as it currently stands. The second option is to draft new legislation that encourages and requires that these divisive concepts be taught in K-12 schools in an age-appropriate manner. The third, and final option, is to pass the current proposed legislation (House Bills 322 & 327) and restrict the teaching of divisive concepts in schools. The analysis will evaluate these alternatives using the evaluative criteria of political feasibility and social acceptability and compare the options to each other.

The first policy option is the status quo. Currently, Ohio has set learning standards for each subject taught in public schools, such as social studies. The social studies curriculum highlights four main areas of study-history, geography, government, and economics (Ohio Department of Education). These four main areas are broken down by grade and the theme of what should be taught at each of the grade levels. English language arts are currently unaffected, except for the occasional banning of books that are deemed inappropriate for schools. Both of these curriculums talk a lot about what should be taught and do not necessarily include prohibition on topics that should not be taught. The status quo would mean to keep how education looks now, with the Ohio Education Association creating standards that are then applied to schools across the state. Books would continue to be banned for being controversial and creating uncomfortable conversations, and social studies education would possibly continue being taught with divisive topics included in classroom discussion, depending on what is being taught at the time.

In terms of political feasibility, this policy option may be the most feasible. Republicans in the Ohio House introduced their proposed policy in 2021 and it has been in committee ever since, making it seem likely that status quo may be achieved. This may be the easiest to achieve because if politicians cannot agree on anything or cannot gather enough votes to pass the legislation then we may be stuck with the status quo anyways. There are also numerous actors at play in this policy debate, making it difficult to force one policy alternative. This alternative might also be the most socially acceptable since nothing will really change. It may be difficult to convince the proponents of restricting divisive concepts to accept the status quo, but the opponents of restricting those topics may be satisfied that no legislation was passed. The pros of this option include that the current state of educational affairs would remain the same. This could also be a con, as both sides of the policy debate have competing beliefs on what they think should be taught in public schools. Another con of this option is that nothing really gets accomplished if the status quo remains. As discussed, it is probably the most politically feasible and socially acceptable, but it relies on conditions remaining the way they are now.

The second policy option would be to draft and introduce legislation to the Ohio House that requires “divisive concepts” to be taught in K-12 schools in an age-appropriate manner. This policy option may be the most difficult of the three, because it would have to be drafted from scratch and somehow make its way onto the policy agenda. The policy would need to define what “divisive concepts” it wants to require be taught as well as define what is age appropriate for each grade level. This option is probably the least politically feasible of the policy alternatives. The Ohio House, and Senate, are currently a majority Republican who are generally proponents of restricting divisive concepts from being taught in schools. This would make any policy of the opposing nature very difficult to pass or even to get on the agenda. This option might also not be

widely supported by the public. Ohio tends to be a more conservative state, and it appears that there are many individuals who support a bill that would restrict divisive concepts from being taught. There are lot more organizational actors that would be in support of this policy alternative, but the general public may not be supportive.

The third policy alternative would be to pass the current proposed House Bills 322 and 327. These bills would restrict the teaching of divisive concepts and prohibit conversations surrounding race and sex. Considering political feasibility, this policy alternative may be more politically feasible than the other two, because of the conservative nature of the Ohio legislatures. The elected officials will most likely support this policy alternative, considering that House Bill 327 has two sponsors and thirty-four co-sponsors (House Bill 327 - 134th General Assembly). There are ninety-nine house districts in Ohio and thirty-six support the legislation. House Bill 322 has one sponsor and twenty-seven co-sponsors (House Bill 322 - 134th General Assembly). This shows that these bills have higher levels of political feasibility than the other policy options will. As for social acceptability, based on the amount of news articles found in opposition, it seems like these bills are not widely supported by interest groups and labor unions. There is a large group at stopcriticalracetheory.com that supports these bills, but the Ohio Education Association and other prominent groups such as the League of Women Voters do not support them. The pros of this policy option are that it has the most political support and most social support by individuals. The cons of this option is that there would be harsh penalties on teachers for accidentally teaching subjects that could be considered “divisive” since the legislation does not give particular details as to which subjects should be avoided. The bills add significant stress on teachers and restrict important topics from being taught to public school children.

My preferred alternative is the second policy option, where a new bill is drafted that requires and protects conversations surrounding race and sex and encourages divisive concepts to be carefully taught in K-12 schools. The purpose of school is to prepare students academically and civically for their future careers and participation in our government. An original aim of schools was citizen development (Callahan), and if we allow “divisive concepts” to be removed from school curriculums, then we will be failing at that goal. This policy is the most difficult to achieve political feasibility and social acceptability but will benefit the state and the country in the long run. This analysis is limited in that there is not a lot of research and data available about the policy issue, since it is a newer topic. The analysis is also limited in that the policy issue is really a non-issue because critical race theory is not taught at the K-12 level and is only taught in college graduate programs. Further research would help to determine the outcomes of these proposed alternatives if states were to pass bills or keep the status quo.

Objections:

One objection to the proposed policy that ensures the continued education of divisive concepts is that teachers have their own implicit biases that will affect how they discuss these divisive concepts and their view of it may taint the ideas. This is a valid objection as there are many opposing viewpoints that exist. My response to this objection is that training and education could be provided to teachers as well, to try and confront some of the biases. Either way, students will still be exposed to the controversial topics and can decide for themselves what ideas they wish to include in their knowledge base.

A second objection is that people may argue that schools should be stress free, and that children should not have to be uncomfortable whilst at school. My response to this objection is that children of color and LGBTQ+ students most likely feel uncomfortable some days when they are

underrepresented in classroom discussion and class readings. As we found in the research, there was a push for multiculturalism in history textbooks, but that was more superficial than substantial change. Current events show books with LGBTQ+ characters being banned from schools. This may not be completely relevant to social studies, but the overall educational experience has a lasting impact on students.

Conclusion

As the research shows, social studies education should be about more than just teaching standards to a test. The curriculum should be integrated with student life, to prepare them for a future of participating in our democracy. House Bills 322 and 327 would directly prevent these efforts and further alienate students of color and LGBTQ+ students. Students should be included and feel welcome in the school building, considering they will spend the majority of their childhood learning there. A preferred policy alternative to the two House Bills would be to draft legislation that protects divisive concepts, provides training for teachers and school staff, and encourages difficult conversations to be had. After all, what better place for strange and uncomfortable conversations than in the protected walls of the school building.

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