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## Let's Face It, the Racial Politics Are Always There: A Critical Race Approach to Policy Implementation in the Wake of Anti-CRT Rhetoric

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**Abstract:** School communities across the United States are experiencing increasing calls to remove the teaching of critical race theory (CRT) from their curricula despite not actually doing so in practice. This anti-CRT push is part of a larger, conservative agenda to ban teaching “divisive” topics in public schools and exemplifies the underlying racial politics existent in educational policy implementation. In this article, we analyze the legal efforts to ban CRT and anti-racist teaching in

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one state through a framework that situates policy implementation within CRT, which seeks to advance how whiteness, interest convergence, racial realism, and the erasure of people of color are continual to policy implementation. Through a critical discourse analysis of anti-CRT rhetoric, we illustrate how predictable patterns such as white backlash, overt racism, racial violence, and racial trauma are brought to light in policy implementation. We then offer an example of CRT as critical race praxis (CRP) in another state that works to counter racism and create anti-racist change in policy design and implementation. CRP is perhaps one tool school leaders have at their disposal to subvert whiteness and white supremacy in policymaking, especially policy implementation.

**Keywords:** critical discourse analysis; critical race theory; critical race praxis; politics; policy implementation; racism; whiteness

### **Seamos realistas, las políticas raciales siempre están ahí: Un enfoque racial crítico para la implementación de políticas a raíz de la retórica anti-CRT**

**Resumen:** Las comunidades escolares de los Estados Unidos están recibiendo cada vez más llamadas para eliminar la enseñanza de la teoría crítica de la raza (CRT) de sus planes de estudio a pesar de que en realidad no lo hacen en la práctica. Este impulso anti-CRT es parte de una agenda conservadora más amplia para prohibir la enseñanza de temas “divisivos” en las escuelas públicas y ejemplifica la política racial subyacente que existe en la implementación de la política educativa. En este artículo, analizamos los esfuerzos legales para prohibir la CRT y la enseñanza antirracista en un estado a través de un marco que sitúa la implementación de políticas dentro de la CRT, que busca promover cómo la blancura, la convergencia de intereses, el realismo racial y la eliminación de las personas de color son continuos para la implementación de políticas. A través de un análisis crítico del discurso de la retórica anti-CRT, ilustramos cómo se sacan a la luz patrones predecibles como la reacción violenta de los blancos, el racismo manifiesto, la violencia racial y el trauma racial en la implementación de políticas. Luego ofrecemos un ejemplo de CRT como praxis racial crítica (CRP) en otro estado que trabaja para contrarrestar el racismo y crear un cambio antirracista en el diseño e implementación de políticas. CRP es quizás una herramienta que los líderes escolares tienen a su disposición para subvertir la *whiteness* y la supremacía blanca en la formulación de políticas, especialmente en la implementación de políticas.

**Palabras-clave:** análisis crítico del discurso; teoría crítica de la raza; praxis crítica de la carrera; política; implementación de políticas; racismo; *whiteness*

### **Vamos enfrentá-lo, as políticas raciais estão sempre presentes: Uma abordagem racial crítica para a implementação de políticas na esteira da retórica anti-CRT**

**Resumo:** As comunidades escolares nos Estados Unidos estão enfrentando crescentes apelos para remover o ensino da teoria crítica da raça (CRT) de seus currículos, apesar de não o fazerem na prática. Esse impulso anti-CRT faz parte de uma agenda conservadora mais ampla para proibir o ensino de tópicos “divisivos” nas escolas públicas e exemplifica a política racial subjacente existente na implementação da política educacional. Neste artigo, analisamos os esforços legais para proibir o CRT e o ensino antirracista em um estado por meio de uma estrutura que situa a implementação de políticas dentro do CRT, que busca avançar como a branquitude, a convergência de interesses, o realismo racial e o apagamento de pessoas de cor são contínuos para a implementação da política. Por meio de uma análise crítica do discurso da retórica anti-CRT, ilustramos como padrões previsíveis, como reação branca, racismo aberto, violência racial e trauma racial, são trazidos à tona na implementação de políticas. Em seguida, oferecemos um exemplo de CRT como práxis racial crítica (CRP) em outro estado que trabalha para combater o racismo e criar mudanças antirracistas na formulação e implementação de políticas. O CRP é talvez uma ferramenta que os líderes

escolares têm à sua disposição para subverter a *whiteness* e a supremacia branca na formulação de políticas, especialmente na implementação de políticas.

**Palavras-chave:** análise crítica do discurso; teoria crítica da raça; práxis racial crítica; política; política de implementação; racismo; *whiteness*

## **Let's Face It, the Racial Politics Are Always There: A Critical Race Approach to Policy Implementation in the Wake of Anti-CRT Rhetoric**

For race and education scholars, critical race theory (CRT) is an important tool for understanding the contours and predictable patterns of how systemic racism works in education and society at large (Delgado & Stefancic, 2001, 2017a, 2017b; Ladson-Billings & Tate, 1995). However, CRT is not simply theorizing about race. The framework can also help policymakers and district and school-level leaders identify how race and racism impact their decision-making and underlying practices, especially in terms of how they design, adopt, and ultimately implement policies (Amiot et al., 2020). Most importantly, we see CRT as a means to uncover the racial politics that are ever-present in policymaking and implementation (Alemán, 2006; Dumas et al., 2016; Henry & Dixon, 2016; Horsford, 2019). Thus, from a CRT perspective race matters and always plays a role in education policy implementation.

Despite the utility of CRT to directly name how race matters, it is now being used as a political weapon by primarily white conservatives to downplay and outright deny the import of race in society (Pollock et al., 2022). To be clear, CRT is a research and analytical tool that can inform professional practice (Capper, 2019). However, it is not actively taught in K-12 classrooms. Yet, many conservatives are misinforming their political base about what CRT is and how it is used (Crenshaw, 2022). This misrepresentation of CRT has indeed been an effective scapegoat tactic by conservatives, which is part of a larger strategy to garner support from their political base. Anti-CRT rhetoric is not just directed at the framework itself but is a broader attempt to restrict teaching about issues of race and racism and any topics considered “divisive” in K-12 classrooms (Stout & Wilburn, 2022, para. 2). Anti-racist education is not conservatives’ only target. They have made political headway in also banning education on intersectional topics around gender, gender identity, and sexuality. According to the most recent data, there are now 44<sup>1</sup> states that have adopted or introduced laws that restrict teaching about race, racism, and intersectional topics (Alexander et al., n.d.; Stout & Wilburn, 2022).

However, the unwritten policy and rhetoric against CRT at-large are still having a chilling effect on implementation practices where educators are generally fearful of addressing issues of race let alone broader topics on equity (Pollock et al., 2022). These fear tactics have reached an apex at the local school board level, especially for district leaders where equity, diversity, and inclusion work is part of their job description. These leaders have resigned from their roles for fear of public retaliation from white community members (Carr, 2022). Despite whether a state or district has an official policy banning race as a topic, it still has an impact on how these topics are addressed in districts, schools, and classrooms. Thus, the CRT backlash is a prime example of the underlying racial politics in policy implementation.

In this article, through a critical discourse analysis we use the anti-CRT rhetoric, with a specific focus on the policy backlash in Texas, as an example of how racial politics operate in policy implementation. To do so, we expand upon Honig’s (2006) work on policy implementation and

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<sup>1</sup> This represents the number of states who introduced laws when this article was published.

introduce a conceptual framework that uses CRT to exemplify how racial politics matter in the policy implementation process. We then apply our CRT-as-policy-implementation framework to analyze the legal efforts to ban CRT and anti-racist teaching in Texas K-12 classrooms. In Texas, we found that educators struggle with how to both adhere to the state's anti-CRT policy and fulfill their commitment to equity. And while most states in the US have succumbed to anti-CRT rhetoric, a few states have made headway in adopting curricular requirements, like ethnic studies in California, that reflect the identities and perspectives of their diversifying populations (Stout & Wilburn, 2022). We see these efforts as promising examples of CRT as critical race praxis (CRP) where grassroots efforts can be applied to counter racism in policymaking and implementation (Yamamoto, 1997). Subsequently, we trace the evolution of California's ethnic studies bill as a hopeful example of how CRP can lead to anti-racist change in policy design and implementation, a stark contrast to Texas's efforts to roll back anti-racist education in K-12.

## Critical Race Theory

Before introducing our CRT-as-policy-implementation framework, we first provide a brief overview of CRT as it is foundational to understanding the role of race, racism, and anti-racism in the policy implementation process. We highlight scholars significant to the evolution of CRT and also define core theoretical tenets and concepts.

Delgado and Stefancic (2017b) view critical race theory (CRT) as a movement or "collection of activists and scholars" who both critique and aim to alter the "relationship among race, racism, and power" (p. 3). CRT is influenced by key civil rights leaders and discourses. Whereas the civil rights movement as a strategy for racial justice encouraged a more methodical and incremental approach to change, CRT differs in that it questions liberal ideologies like equality, rationalism, meritocracy, and other neutral interpretations of law and policy that do nothing to challenge and disrupt the racial status quo (Crenshaw, 1988; Delgado & Stefancic, 2017b).

CRT originated in the 1970s from critical legal studies as a response to the reversal, and in many respects outright halt, of much of the progress made during the 1960s Civil Rights era. While Derrick Bell is considered CRT's patriarch, a collective of legal scholars furthered the CRT movement (e.g., Crenshaw, 1988, 1991; Freeman, 1978; Gotanda, 1991; Harris, 1993; Matsuda, 1987) and recognized the need for "new theories and strategies to address the subtler forms of racism" that were gaining traction (Delgado & Stefancic, 2017b, p. 4). At its core, CRT is a tool to identify the predictable ways in which racism plays out in society. Thus, by being forthcoming and naming how racism works, better efforts in strategizing how to dismantle it can take place.

CRT continues to expand and inform various disciplines in the social sciences, especially the field of education which has its own distinctive canon of CRT scholars (e.g., Bell, 1980; Dixson & Rousseau Anderson, 2018; Henry et al., 2023; Ladson-Billings & Tate, 1995; Parker, 1998; Solórzano, 1997). Gloria Ladson-Billings and William F. Tate IV first introduced CRT to the field of education with their groundbreaking 1995 article "Toward a Critical Race Theory of Education." Up to that point, unlike gender and class, race was largely undertheorized in education, and so CRT could be a tool for understanding how race matters to inequities in schooling.

CRT as a theory is "fluid" not "uniform" or "static" in how it should be executed (Capper, 2019, p. 3; Dixson & Rousseau Anderson, 2018, p. 122). However, there are still fundamental ideas, proposed "boundaries" or tenets most frequently used by CRT scholars which we used to understand anti-CRT rhetoric and policy implementation (Dixson & Rousseau Anderson, 2018, p. 122). Though there are various interpretations of CRT tenets, we chose tenets that apply to our analysis of anti-CRT rhetoric and policy implementation. Therefore, we used the following CRT tenets to inform the development of our conceptual framework for this study: 1) racism is endemic

to society, 2) whiteness as property, 3) color-evasiveness, 4) interest convergence, and 5) counternarratives.

### **Racism is Endemic to Society**

Fundamental to CRT is that racism is endemic to society. It is “ordinary,” “normal,” and part of the daily experiences of most people of color in the US (Delgado & Stefancic, 2001, pp. 6-7; Ladson-Billings & Tate, 1995). Schools mirror inequities, especially along racial lines, that play out in society. Despite decades of policy reforms aimed to equitize education, racially minoritized students still endure pervasive inequities in public schooling. If racial inequities in education could be resolved by solely addressing individual and isolated acts of racism, there would be greater evidence of “educational equity and excellence” in U.S. public schools (Ladson-Billings & Tate, 1995, p. 55). However, racial inequities remain unresolved because they are largely a byproduct of institutionalized and structural racism. Progress towards racial justice and equity in education is rather limited and a slow process because the systemic privileges that white students maintain are predicated on the further subordination of racially minoritized students (Bell, 1980). Hence, the anti-CRT backlash is a reminder of the permanence of racism.

### **Whiteness as Property**

White supremacy and whiteness fuel racism (Diem & Welton, 2021). White supremacy is the ideology or belief that white people and their ideas, actions, and thoughts are superior to that of people of color (Okun, 2010). White supremacy survives and thrives through the devaluing and pathologizing of people of color (Okun, 2010). Also, white supremacy as a system plays out in policies, programs, structures, and everyday practices. Indeed, the nationwide anti-CRT policy push is white supremacy in action. Whiteness is how white supremacy is sustained and carried out as it is the system of beliefs, practices, and assumptions that constantly prioritize the interests of white people, and white elites in particular (McMahon, 2007). Whiteness is also the act of establishing a white racial identity as a form of status, power, and privilege, or what Cheryl Harris (1993) coined as whiteness as property. Thus, being white is seen as something of value, and so whiteness is the tool that works to maintain that value.

### **Color-Evasiveness**

Historically, educational policy and law have tried to mitigate inequities through color-evasiveness or race-neutral means. Color-evasive approaches maintain the racial status quo by adopting race-neutral policies and practices that downplay, evade, and in some instances deny the role race and racism play in perpetuating structural inequities in society (Annamma et al., 2017; Diem & Welton, 2021). The recent surge in anti-CRT laws nationwide illustrates how color-evasive policy is used to systematically deny the impact of racism in society. For instance, Florida, Georgia, Iowa, Oklahoma, South Carolina, and Tennessee all have anti-CRT laws or other legally binding actions that prohibit any teaching that causes an “individual to feel discomfort, guilt, anguish or any other form of psychological distress based on their race or sex,” thus banning curricular content deemed divisive (Bissell, 2023, p. 219).

Color-evasive policy approaches are also designed to absolve educators and their organizations from any responsibility for racist structures and practices (Diem & Welton, 2021). One such policy example is No Child Left Behind (NCLB), which issued punitive accountability sanctions that positioned students of color as the source of a school's failure, not the inequitable structures within the school (Leonardo, 2007; Welton et al., 2015). Thus, color-evasiveness is foundational to meritocracy, which assumes all students begin their educational journeys on a level

playing field and that any policy reform can be universally applied and support the needs of all students (Capper, 2019; Leonardo, 2007).

### **Interest Convergence**

Interest convergence, a CRT tenet first introduced by Derrick Bell (1980), suggests that “the interest of blacks in achieving racial equality will only be accommodated when it converges with the interest of whites” (p. 523). In his analysis of what led to the landmark *Brown v. Board of Education* (1954) ruling that separate but equal schools are unconstitutional, Bell (1980) argued that white America was only willing to acknowledge the harmful effects of racial segregation based on their interests and needs at the time. At the height of the Cold War the United States’ reputation as a superpower was at stake for its unequal treatment of Black people, and so desegregation could help improve the nation’s global standing. Moreover, when it came to desegregation, while the Supreme Court justices, all of whom were white, ruled in *Brown* (1954) that segregation has no place in public schools, they did not go far enough to mandate when it would occur, as evident in the *Brown v. Board of Education II* (1955) decision. *Brown II* ordered schools to desegregate “with all deliberate speed.” Yet, the vagueness of this decision enabled local resistance to the law, ultimately delaying any progress toward desegregation (Bell, 1980). Unfortunately, interest convergence is a fleeting strategy for racial equity because it is predicated on white people’s willingness to serve minoritized groups only if they can also serve themselves. Indeed, racial justice will never happen if centering whiteness is the route taken to achieve it.

### **Counternarratives**

CRT also emphasizes decentering the white majoritarian narrative and amplifying the counternarratives, voices, and histories of various groups of color (Solórzano & Yosso, 2002). As demonstrated in this article, anti-CRT discourse is white dominant storytelling intended to situate white superiority over people of color (Dixson & Rousseau Anderson, 2018). The white dominant narrative in anti-CRT discourse is especially concerning because their perspective overrides and even distorts the histories and identities of people of color in classroom instruction and curricular content (Pollock et al., 2022). Instead, educators, students, and families of color could use their counternarratives to challenge the white conservative politics driving anti-CRT discourse (Dixson & Rousseau Anderson, 2018), which as discussed is also a form of collective organizing and activism known as critical race praxis.

## **Policy Implementation**

In articulation of the policy implementation process, Honig (2006) highlights the importance of examining how and why people, policies, and places interact to inform policy implementation. Each of these three dimensions of policy implementation work together to explain under what conditions education policies get designed and implemented, as well as the places or contexts that influence these processes. We also argue that politics, and the inherent power in it, plays a major role in policy implementation as it can shape how a policy is adopted and implemented (Malen, 2006). We describe each of these critical factors of policy implementation in the subsequent sections.

### **People**

Those who design (policymakers) and implement (local actors) policy are critical to the policy implementation process as their roles are deeply intertwined. While traditional education policy implementation research makes clear distinctions between policymakers and implementers, more contemporary education policy implementation research explores how the two are tethered

(Honig, 2006). Indeed, policymakers and policy implementers co-construct the design and implementation of policy (Datnow, 2006). They do so in part by “responding to the demands made by the [school] district, school board, and local community” (Diem, 2012, p. 6). For example, at the local and national levels, individuals opposed to CRT have used discourses such as “un-American,” “divisive,” and “dangerous” (Crenshaw, 2022, p. 1714) in their communities to gain support in their efforts, which has directly impacted the language included as well as omitted in anti-CRT policies.

How people participate within different communities as well as the relationships within such communities may inform views and actions around a particular policy, which is important to pay attention to in the education policy implementation process. Local school districts, schools, and school communities play a critical role in how educators navigate anti-CRT efforts. Pollock et al. (2022) found that in both states where action has been taken to restrict the teaching of race and those where it has not, what will be taught in the classroom depends greatly on local district and school-level leadership (i.e., people) and how they respond to such actions. Indeed, individuals’ interpretations of policies are influenced by those within their communities, professional or otherwise.

People can also include those individuals who are specifically named in policy design, “formal policy targets,” (p. 16) as well as those who are not specifically named as a target but may have more tangential roles in the policy process. These “non-formal” individuals can influence those who have more formal roles in the policy process. For example, conservative journalist Christopher Rufo was instrumental in fomenting the anti-CRT movement when he appeared on “Tucker Carlson Tonight” and called for the White House to issue an executive order banning CRT training in the federal government (Exec. Order No. 13950, 2020). Rufo then worked with the White House to draft such an order that was issued the same month as his national television appearance (Wallace-Wells, 2021). It was this order that would be the catalyst for state legislatures to begin crafting their own anti-CRT policies.

## **Policy**

Policy makes up the second dimension of the policy implementation process. Policies are designed with certain goals in mind, a target group, and tools that can aid the implementation of policies that result in meaningful, systemic change (Honig, 2006). They can present different opportunities and challenges depending on their intended audiences and whether the goals associated with them are realistic, which can then impact implementation (Honig, 2006). Yet, if they are designed in ways that conflict with the public’s “values,” the reaction can be quite visceral (Dorner, 2011). However, if policies are to be inclusive and reflect the values and interests of various stakeholders, they must be designed to represent all voices, not just those that are dominant and loudest. For example, CRT scholars would argue that the larger goal of anti-CRT policies is to seize power and control of what is taught in the classroom. These policies have been designed using color-evasive language to frame race, racism, and anti-racism as “divisive concepts.” Indeed, most of the anti-CRT bills passed in state legislatures do not explicitly mention critical race theory (Ray & Gibbons, 2021). While these policies are having their intended effect and teachers are confused and unsure how they may teach certain topics in their classrooms, there are also successful examples of pushback against anti-CRT bills. Since 2021, bills introduced across 17<sup>2</sup> U.S. state legislatures restricting the teaching of racism, sexism, or CRT have been vetoed, overturned, or indefinitely stalled (Schwartz, 2023).

## **Place**

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<sup>2</sup> This number represents states that stalled such bills at the time this article was published.

Place makes up the third and final dimension of Honig's (2006) policy implementation framework. Places are integral in situating policies both historically and contemporarily. Indeed, without a complete understanding of the historical, sociopolitical, and geographic contexts in which a policy resides (Diem, 2012; Dumas & Anyon, 2006; Honig, 2006), as well as the institutions situated within those contexts (Honig, 2006), it is difficult to ascertain why a specific policy may gain traction and another loses steam early on in the policy process. School districts and the states in which they are situated have "deep-seated historical institutional patterns" that can "shape implementation outcomes" (Honig, 2006, p. 18). These patterns are influenced by the sociopolitical and geographic contexts in which they are located (Diem, 2012). Indeed, geographic locations and the policies they must adhere to (e.g., mayoral control, school restructuring) can reveal how and why policy implementation may unfold. Looking at the 18 U.S. state legislatures who have adopted anti-CRT legislation, all are located in states controlled by Republicans (Schwartz, 2023) and have complicated histories around education (Arkansas, Arizona, Florida, Georgia, Iowa, Idaho, Kentucky, Mississippi, Montana, New Hampshire, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, and Virginia). Understanding the evolution of education policies in these states over time can shed light into current anti-CRT efforts and how race is intrinsically connected to place. Importantly, Honig (2006) argues that you must understand how each aforementioned dimension—people, policies, places—is either furthering or hindering implementation collectively as they are interwoven with one another.

## Politics

While we agree that people, policies, and places are integral in shaping our understanding of the policy implementation process, we believe an additional concept, politics, must be included as its own, standalone dimension of any policy implementation framework. Indeed, a comprehensive understanding of the policy implementation process cannot occur if there is no discussion as to how power and values are inherent to it (Marshall & Gerstl-Pepin, 2005). Politics are omnipresent and have a major influence on the policy process (Malen, 2006). Politics are inextricably linked with policy and power (Malen, 2006; Marshall & Gerstl-Pepin, 2005). The national mood, election results, ideologies of policymakers, and pressure group factors make up the political stream, which in turn influence the policy agenda (Kingdon, 2011). Studies of politics in education focus on power and conflict over values (Marshall & Gerstl-Pepin, 2005). Moreover, studies "that view policy implementation as a political phenomenon bring the complexities and uncertainties inherent in education policy pursuits to the fore" (Malen, 2006, p. 101). Further, as racism is woven into the fabric of our society (Crenshaw, 1988; Delgado & Stefancic, 2017) and "...educational policy serves as the site of political contestation over what race means" (Dumas et al., 2016, p. 5), it is critical to be cognizant of the racial politics that exist in education policy implementation.

Politics undergirds everything and is particularly prevalent in education policy and practice. The role of schooling and the social purposes of education are steeped in politics (Saltman, 2014), as is evident in the examples illustrated throughout this article. In her argument for taking a political perspective on policy implementation, Malen (2006) states "that policy implementation is a dynamic political process that affects and reflects the relative power of diverse actors and the institutional and environmental forces that condition the play of power" (p. 85). As such, Dorner (2011) argues, "we must consider how political agendas shape the nature of implementation, how policies, in turn, affect agendas, and how implementation processes may influence a policy's results" (p. 582). It is also important to be cognizant of political events like the anti-CRT movement that open policy windows and what happens when people become overly preoccupied with finding a policy solution (Kingdon, 2011). Indeed, Republicans' anti-CRT political agendas are resulting in book banning and



whitewashed curriculum opposed by the majority of Americans (Backus & Salvanto, 2022). The concerted assault against efforts to increase awareness about the history of race and racial injustice in the US is simply the latest to occur in the political arena as a response to perceived progress or fight for racial justice (e.g., the 2020 uprisings and movements for social justice) for historically minoritized and marginalized individuals.

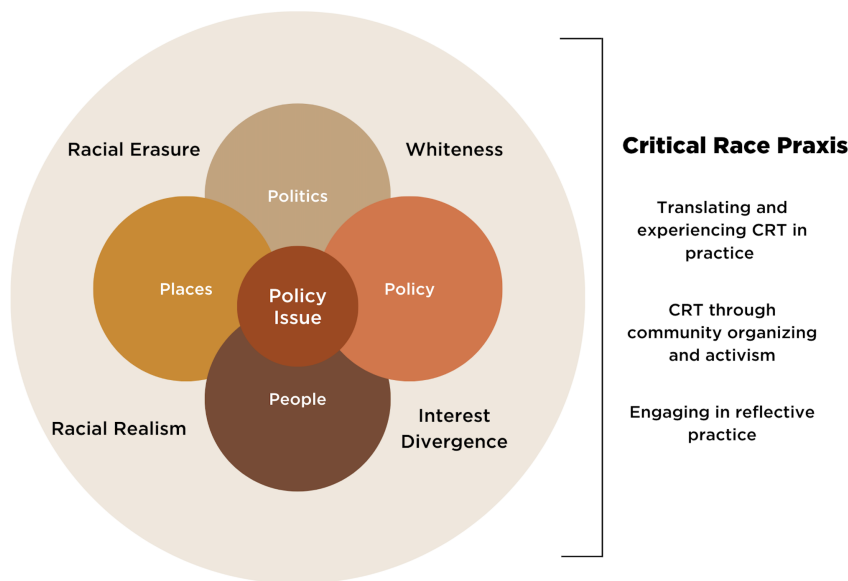
Race is a “cultural-ideological formation that deeply informs policy formation, implementation, and ultimately, the scholarly and public imagination of what is deemed ‘effective’ or ‘good’ policy, and what counts as ‘fair’ or ‘just’ in the distribution of educational resources” (Dumas et al., 2016). As such, understanding how it is embedded in the policy process is crucial. Critical race theory as policy implementation is a particularly helpful conceptual framework in illustrating the predictable patterns that occur in the policy process and why the struggle for racial equity persists.

### Conceptual Framework: Critical Race Theory as Policy Implementation

When using a CRT lens in our analysis we found the following four distinct ways in which people, places, policy, and racial politics have transpired in anti-CRT rhetoric: 1) whiteness, 2) interest divergence, 3) racial realism, and 4) racial erasure. These constructs, which we describe in detail below, are foundational to our conceptual framework and are illustrated in Figure 1. Indeed, by overlaying CRT and implementation we can better understand how whiteness, interest divergence, racial realism, and the erasure of people of color are ever-present in the dimensions of policy implementation. By making these connections, we are better situated to recognize the predictable patterns this framework elicits, that is, white fear and backlash, overt racism, and racial violence and trauma. Moreover, by recognizing these predictable patterns of how racism transpires in policy implementation, we can then experience and actualize CRT in practice via critical race praxis. Accordingly, the final element of our conceptual framework, critical race praxis, is a promising policy tool for eradicating racism in policy implementation as those most disenfranchised by the policy can be involved and have voice in the policy process.

Figure 1

*Critical Race Theory as Policy Implementation*



## Whiteness: White Fear and Backlash

White supremacy, whiteness, and the fear and backlash from white political elites are the cause of racism and the core of what is driving anti-CRT rhetoric (Crenshaw, 2022). This backlash stems from whiteness feeling threatened (see e.g., DiAngelo, 2011; Gillborn, 2019). Whiteness fears that teaching about systemic racism and other intersectional oppressions, and also centering the histories and perspectives of people of color in K-12 and higher education, would decenter and weaken the import of white racial identity. Also, much of the political resistance to teaching about race in the classroom has occurred at local school board meetings, especially among majority white boards who prioritize white conservative constituents' concerns about CRT (Carr, 2022; Sampson & Bertrand, 2022).

## Interest Divergence

White elites and the white working class benefit from aspects of racism, either materially or physically, and thus have little investment in dismantling it (Gillborn, 2013; Harris, 1993). As evidenced by historical precedence, white people are only willing to support advancing the interest of racially minoritized groups if it also advances and converges with their own interests (Bell, 1980). However, the attack on CRT, and other intersecting discussions around equity and justice, represent an extreme *divergence* of white conservative America. Interest divergence “is when White power-holders imagine that a direct advantage will accrue from the further exclusion and oppression of” racially minoritized groups in society (Gillborn, 2013, p. 477). Lani Guinier (2004) used the interest divergence principle to explain the failure of the *Brown* (1954) decision to deliver on its promise of racial justice long term. At the time, racial liberalism, the legal strategy for the *Brown* decision, used the negative psychological impact of racial segregation as the rationale for desegregation. However, this sole focus on racial segregation simply addressed the “symptom” of “the greater and more pernicious disease—white supremacy” (Guinier, 2004, p. 99). According to Guinier, poor and working-class white people were invested in their supposed racial superiority to Black people. Affluent white people fled to the suburbs in the aftermath of desegregation, whereas the white working class and poor felt “victimized” by desegregation because they were forced to still be in close proximity to Black people. Resultantly, white politicians “preyed” on the “sense of betrayal,” “unfair sacrifice,” and resentment of the white working class and poor, which then led to white interest divergence or polarization on the issue of racial desegregation (Guinier, 2004, p. 105). Hence, interest divergence is a “powerful explanatory device” to understand how racism as a structure is “ever-shifting yet ever-present” (Guinier, 2004, p. 100) and that “White supremacy is protected and emboldened (through the creation and manipulation of apparent interest-divergence between racial groups)” (Gillborn, 2013, p. 479).

## Racial Realism: From Color-evasiveness (Sneaky) to Blatant Racism

Although color-evasiveness is an undercurrent or sneaky form of racism that may not be readily noticeable on the surface, it still has significant racial consequences. Unlike Jim Crow era racism, post-Civil Rights–era racism was not as apparent and so was deemed a type of covert “new racism” (Bonilla-Silva, 2013; Bonilla-Silva & Dietrich, 2011). This differs from the current political moment and the anti-CRT backlash that is blatantly overt with displays of racism in the policy discourse. While previously racism was delivered in more polite terms, political leaders like Donald Trump have made it acceptable to publicly vocalize racist vitriol. Thus, when racism is used by politicians as a political spectacle and tactic it further empowers, emboldens, and normalizes whiteness as the right to exclude and dispose of people of color (see e.g., Harris, 1993). This shift in how racism presents itself from polite to more blatant suggests that racism is indeed fickle and a

prime example of racial realism, which argues racial progress is often only fleeting because racism is so indelible to society.

Case in point, the murder of George Floyd by Minneapolis police in the Summer of 2020 precipitated a global racial justice movement where all major institutions, especially K-12 education, focused on improving their racial literacy and implementing anti-racist policies and practices districtwide (Welton & Diem, 2021). As the concept racial realism predicts, this emphasis on anti-racism was short-lived only to be followed by anti-CRT sentiments within a year. Bell (1992) urged that racial equality is too narrow a goal, calling for a more realistic approach to addressing systemic racism. According to Bell (1992),

In spite of dramatic civil rights movements and periodic victories in the legislatures, black Americans by no means are equal. Racial equality is, in fact, not a realistic goal. By constantly aiming for a status that is unobtainable in a perilously racist America, black Americans face frustration and despair. Over time, our persistent quest for integration has hardened into self-defeating rigidity. (p. 363)

Thus, it is critical to have a realistic outlook that on the road to racial equity and justice systemic racism will not go away entirely but is ever-present.

### **Racial Erasure: Racial Trauma and Violence (Fueling It)**

Not telling the truth about society's racial past and present for people of color is a form of racial erasure, which is the collective indifference to the identities, histories, and experiences of a racial group that renders them invisible (Delgado & Stefancic, 2017b). Resultantly, another goal of the anti-CRT policy agenda is to remove what is truthful about America's history and present relationship with race and racism from the K-12 curriculum and replace it with versions that are more palatable to white people and alleviate any white guilt and fault in racism (Ray & Gibbons, 2021). And while these false narratives that deny the true impact of race and racism protect white people, they inversely generate racial trauma and violence for people of color as it invalidates and discredits their experiences with systemic racism. Moreover, the anti-CRT policy push is also coupled with a surge in laws that are anti-LGBTQ+, furthering the erasure of racially minoritized groups who identify as LGBTQ+. A more recent example of this type of erasure comes from Betsy DeVos, former Secretary of Education under the Trump Administration, who undid much of the policy protections for transgender youth of color led previously by the Obama Administration (Farley & Leonardi, 2021).

### **Critical Race Praxis**

Beyond only critiquing the problem of whiteness, examples of how stakeholders are effectively challenging and disrupting whiteness in the policy process must also be provided, especially when it comes to policy implementation. Presently, the anti-CRT backlash continues to have a stronghold on policy implementation in education. Yet, more examples are needed of how various stakeholders are mobilizing to dismantle whiteness inherent within policy implementation to instead center the perspectives and needs of people of color in the policy process, a practice within CRT also known as critical race praxis (CRP). CRP is a method in which community organizing techniques and strategies are used to "translate critical race theory in practice" (Fuentes, 2012, p. 631). Also, CRP moves beyond simply promoting anti-racist "ideas and ideals" toward a goal that is "experienced through practice" (Yamamoto, 1997, pp. 829-830). Legal scholar Yamamoto (1997) underscores that CRT extends beyond a critical theoretical exercise, and rather be employed as a critical reflective tool for policy actors to then take anti-racist action and have "deeper engagement with frontline practice" (p. 830). Yamamoto further situates CRP as "reflective action" that infuses

“antiracism practice with aspects of critical inquiry and pragmatism, and then recasting theory in light of practical experience” (p. 874). Ultimately, CRP puts the theoretical ideas from CRT into practice so that anti-racist policy change can be actualized on the ground (Stovall, 2013, 2016; Yamamoto, 1997).

CRP is most commonly used by critical race scholars to articulate how families and other school community members of color use grassroots organizing to push school and/or district officials to acknowledge and redress the racism embedded in the policies they construct and implement. For example, Stovall (2013, 2016) has written extensively about his positionality as a scholar who when conducting research does not theorize from afar but instead practices CRT directly with Black and Brown school community members in Chicago to take action against neoliberal racist education reforms that disproportionately affect them. Similarly, Fuentes (2012) studied how a group of Black parents and grandparents formally mobilized to develop a plan of action towards redressing the educational opportunity gaps their students faced and disrupt the institutionalized racism embedded within district leadership, policies, and practices.

As such, the final component of our conceptual framework, critical race praxis, is an important tool to examine whether and how policy actors—such as teachers, principals, superintendents, community members, and even policymakers—in both Texas and California use reflective practice and activism to have voice in advocating for racial justice in policy development and implementation. In our analysis we demonstrate how limited opportunities existed for CRP in the evolution and implementation of the Texas anti-CRT bill. Whereas in California there was clearer evidence of CRP as communities of color through their grassroots efforts had opportunities to engage in reflective practice, democratic deliberation, and vocalize their critiques of whose histories were or were not included in the state ethnic studies curriculum policy.

## **Research Design and Methods**

For our study, we conducted a critical discourse analysis (CDA) of two states’ divergent efforts to implement education policies as they pertain to race. We relied on Fairclough’s (2003) approach to CDA, which is “based upon the assumption that language is an irreducible part of social life, dialectically interconnected with other elements of social life, so that social analysis and research has to take account of language” (p. 2). Indeed, language is a form of social practice, and CDA seeks to explore the social conditions in which it is produced, interpreted, and explained (Fairclough, 1989). Moreover, Fairclough argues that language plays a critical role in shaping and enacting power. He describes language as a “site of struggle” and “those who exercise power through language must constantly be involved in struggle with others to defend (or lose) their position” (p. 35). There is a dialectical relationship between discourse and power, and ideologies play a major role in how both are constructed, maintained, and enacted (Fairclough, 2010). This is particularly relevant to our CDA as color-evasive and anti-CRT approaches to education policymaking and implementation are sites of power struggles often fueled by political ideologies. We wanted to explore the strategies and discourses used in states where the majority of the policymakers in power hold opposing political ideologies and how they transformed educational policy in very different directions.

### **Data Collection**

We collected a range of documents related to race, CRT, and policy implementation in two states: Texas and California. Texas has long been a Republican-controlled state with a conservative majority (Ura et al., 2021). This century, Texas’ population has grown 40%, of which nearly 90% of new Texans are people of color (Ramsey, 2021; Ura et al., 2021). In California, the state population has also grown more racially diverse as the number of white people has decreased by 24% between

2000 and 2019 while the Asian and Latinx populations grew 25% and 40%, respectively (Fung, 2022). This demographic change is accompanied by transformations in the state's political landscape as many Asian and Latinx individuals, especially younger voters, vote Democrat or Independent (Lempinen, 2020). We chose these states as they are well-documented in terms of how race is attended to in their educational policies and the accessibility of the documents as the policies and implementation unfolded. Reviewing and analyzing relevant documents allowed us to gain a better meaning and understanding of the policy's evolution and context of each state (Bowen, 2009). We used Google, Google Scholar, and university library search engines to identify and locate relevant documents. We searched using key words such as: "Texas," "California," "CRT," "anti-CRT," "ethnic studies," "education," "teaching," "race," "racism," "policy," "law," "community," "activism," "organizing," and "curriculum." The various documents collected included online newspaper and journal articles (e.g., state and national newspapers), government documents, books, websites, and blogs. The government documents included executive orders, state bills, and state-level curricular materials. Table 1 delineates the different sources of data for each state and includes sources concerning CRT and policy implementation more broadly in the current context but were not specific to either state. These documents provided a social, political, and historical context for the two states. A significant portion of documents were from news reports from local and state news sources as the collection and analysis were completed in real-time while these policy events were unfolding. Many of these documents cited primary sources, such as curricular materials and legislative documents, that we were able to then locate and analyze individually. The easy accessibility of the various documents lent itself to a CDA of the documents given the events and policies were evolving.

**Table 1***Data Sources*

	<b>Newspapers, Magazines, Journals</b>	<b>Government Documents</b>	<b>(E)books</b>	<b>Websites</b>	<b>Blogs</b>
<b>Texas</b>	33	4	1	14	2
<b>California</b>	15	4	0	3	0
<b>General</b>	15	1	0	2	0
<b>TOTAL</b>	63	9	1	19	2

**Data Analysis**

We met six times as a research team to discuss and analyze the data for Texas and California. To conduct a CDA we first located, selected, made sense of, and then synthesized the data identified in the documents for each state (Bowen, 2009). In this initial review, we organized the documents by type of document and content. For example, the Texas documents were organized by government documents—those concerning teachers' reactions and implementation; organizational efforts against legislation and general pushback; legislation leading to changes in schools; and other documents that helped provide additional context. This process was the same for documents pertaining to California. Next, we skimmed and searched for emerging themes and trends using a CRT lens, which

uncovered the following four major patterns in the anti-CRT discourse: 1) whiteness, white fear, and backlash; 2) interest divergence; 3) racial realism; and 4) racial erasure. Our coding scheme was developed accordingly with these four patterns and was used in multiple iterations of analyzing the different document types. These four major patterns we identified from the initial critical race theoretical coding of the documents eventually informed the development of our CRT as policy implementation conceptual framework. For California, we also searched for examples of CRP in the initial content review. These phases of analysis were ongoing as we continued to collect documents.

Once we identified emerging themes based on the initial CRT analysis, we then crafted analytic memos for each state by comparing the racial politics and subsequent policy implementation practices across the two states. For the final step of our data analysis, we took the analytic memos and coded based on the CRT as policy implementation framework where we searched for how the racial politics, people, places, and policies evolved for each state. Our analysis was an iterative process in order to conduct contextual and thematic analysis (Bowen, 2009). We acknowledged that the documents should be analyzed critically, especially in light of the politicization of talking about race in education. To do so, we noted the target audience and the articles' sources of information (Bowen, 2009).

## Findings

### Using Race as a Weapon: Anti-CRT Policy Rhetoric and Implementation in Texas

Irrespective of the political context and partisan politics that dominate policymaking in any given state, all states in the US in some way have been impacted by the national anti-CRT policy rhetoric (Alexander et al., n.d.; López et al., 2021). However, Texas provides an ideal context to understand the implementation phase of the policy process as it was among the first set of states, alongside Idaho, Iowa, Oklahoma, and Tennessee, to sign an anti-CRT bill into law (Alexander et al., n. d.; Breen, 2021). However, among these five states, Texas is the only state where white students have the lowest enrollment among all racial/ethnic groups in the state's PK-12 public school system (TEA, 2021a). This demographic context is evidence that addressing issues of race is indeed important to curriculum, instruction, and achievement outcomes, especially for students of color who represent the majority in the state's public schools. Consequently, Texas public school administrators and teachers are presently faced with the precarious ethical dilemma of implementing the anti-CRT law, Senate Bill (SB) 3, with what we have found to be limited guidance from the Texas Education Agency (TEA), the agency that oversees the state's PK-12 public education system, on how to interpret the law (TEA, 2021a, 2021b). Therefore, we use our CRT as policy implementation conceptual framework to illustrate how educators, including principals and teachers, in Texas wrestle with the racial politics involved with SB 3, and how these racial politics in turn affect their implementation practices.

#### *Policy*

The Governor of Texas, Greg Abbott, signed House Bill (HB) 3979 into law in May 2021. This legislation prohibits teachers from engaging in "race or sex stereotyping," awarding credit for service learning with political advocacy groups and bans schools from requiring the discussion of controversial topics. In December 2021, an updated version of the law, SB 3, went into effect and requires that teachers must go through a civics training program and that parents have access to schools' learning management programs.

The original bill, similar to others across the country, is aimed to keep CRT out of public schools, despite it not actually being taught in K-12 schools (López et al., 2021; Zou, 2021). A strong

advocate for the bill, Governor Greg Abbott, said in a statement that “House Bill 3937 is a strong move to abolish critical race theory in Texas, but more must be done” (Abbott, 2021, para. 1). However, local public school advocates explained the focus in K-12 schools is on teaching the truth and ensuring all students feel welcomed, celebrated, and belong (Garcia, 2021a) and that CRT does not exist in the Texas Essential Knowledge and Skills (TEKS) standards (Presha et al., 2021).

The initial house bill included amendments mostly offered by Democratic House members such as students learning about the Chicano movement, the Snyder Act of 1924, and the history of white supremacy. There were allegations that the removal of such components of the United States' history was an act of whitewashing curriculum. This came after most of these amendments were removed in the first special session. Ultimately, the entire required reading list would be omitted leaving the State Board of Education to uphold requirements for the American government (Mitchell, 2022). This national conservative policy movement is more about conservative Republicans' efforts to squash any school's or educator's efforts to encourage students to think critically about issues of race, gender, or systemic inequality in the times of the Black Lives Matter and #MeToo movements. Concerning Texas' HB 3979, the Association of Texas Professional Educators' attorney described the confusion and concern amongst teachers concerning what they can and cannot teach and argued that “the point of public education is to introduce the world to students. It's not there to protect students from the world” (Paul Tapp, quoted in Lopez, 2021, para. 17). As López and colleagues (2021) explained, these attacks are a “part of a larger ideological effort to delegitimize historically accurate presentations of race and racism in American history; to thwart attempts by members of marginalized groups to participate fully in civic life; and to retain political power” (p. 3). The effort to delegitimize race and racism in history is evident in the parameters outlined in the bill creating ambiguous requirements for teachers and administrators including that “controversial issues” must be explored “from diverse and contending perspectives without giving deference to any one perspective” and lessons should not result in students' discomfort (p. 3). This and other requirements ignore the consequences for students of color and complicate educators' ability to teach history and truth. This movement is evidence of white supremacy at work. It is clear that this bill represents the dominant white voices that are making efforts to whitewash curricula and advance the erasure of people of color.

One component of the bill is a requirement for teachers to attend a civics training program on how to teach race in history in Texas. The civics training program includes requirements for curriculum development, guided discussion, media literacy, and teaching strategies all within the bounds of the bill's requirements and restrictions (SB 3, 2021, pp. 2-3). A mandate for training as a component of this legislation is undoubtedly centering whiteness as the legislation bans existing curriculum that addresses race, but contradictorily proclaims required training concerning teaching race. These restrictions reinforce race-neutral practices and language. Taking over the professional development in this way increases the control of the messaging to educators (e.g., what and how to teach) and maintains the legislation's centering of whiteness in the version of history students will receive in Texas.

### ***Place***

It is critical to understand the geographic, historic, and sociopolitical contexts for where the Texas anti-CRT policy exists to better understand its implementation (Diem, 2012; Dumas & Anyon, 2006; Honig, 2006). The SB 3 bill itself appeals to the largely white and politically conservative state population, caters to white comfort, and further solidifies the retention of power (Lopez, 2021). This is evident with the bill's exclusion of the history of Native Americans and “historical documents related to the civic accomplishments of marginalized populations” including Cesar Chavez and Frederick Douglass, as well as a history of white supremacy, slavery, and the Ku

Klux Klan including the “ways in which it is morally wrong” (SB 3, 2021, p. 6). This exclusion is an example of a color-evasive approach to education policy based on the notion that whiteness is being threatened (DiAngelo, 2011; Gillborn, 2019).

The responses and interpretations of the Texas legislation vary across the state in different districts and schools. Immediately following the passage of the legislation, the Dallas Independent School District (ISD) superintendent threatened litigation out of concern for the disruption the new bill would cause for the existing anti-racism initiatives within the district that predominantly services Black and Latinx students (Richman, 2021). Challenging the bill could have alleviated the opposition to their equity initiatives. Ultimately, the district made efforts to continue its equity-centered initiatives including the creation of its Racial Equity Office. Conversely, in response to the bill’s introduction, a suburban school district north of Dallas canceled the district’s participation in a nationwide YMCA Youth and Government class (Chavez, 2021; Kao, 2021; Lopez, 2021). The social studies curriculum coordinator explained to teachers that “in light of” the new law’s restrictions they would no longer offer the elective (Lopez, 2021, para. 23) and instead it would be offered as a club. While the district explained its decision-making due to the vagueness of the law, the course is permissible as it is an elective and not a required course. This decision was overapplication as the bill only applies to required social studies courses. The bill, and the emboldened white voices behind it, proposed the erasure of that very population from that student population’s curricula. As one instructional coach described, this approach presents as intended “to prioritize the comfort of White people” (Hernández & Witte, 2021, para 44).

### **People**

School districts are key mediators for how legislation is implemented and what the outcomes can be. While these individuals may not necessarily be named in the document, they have influential and more informal roles. Educators have expressed concern about the interpretations of the anti-CRT policy. There are claims that it is vague (Belsha et al., 2021; Garcia, 2021a; Hernández & Witte, 2021; Kao, 2021), causing uncertainty and confusion among educators (Belsha et al., 2021; Chavez, 2021; Garcia, 2021a; Lopez, 2021), and that it is intentionally difficult to interpret (Chavez, 2021; Garcia, 2021a). Vida Robertson, a professor at the University of Houston, explained the intentionally confusing construction and further argued that “it was intended for parents, for legislatures, to make accusations against people who were offering historical facts or perspectives that made them uncomfortable” (Garcia, 2021a, para. 4). The educators, namely the ones implementing the policy, according to media reports, were not a part of the construction of the policy (Hernández & Witte, 2021; Kurtz, 2021). As such, teachers have shared what they are and what they are *not* doing differently (e.g., avoiding topics, self-censoring) including continuing their commitment to equity (Garcia, 2021a). Conversations among practitioners have shifted to how to teach for equity and inclusion and to teach the truth while also complying with the limitations of the legislation (Chavez, 2021; Garcia, 2021a; Hernández & Witte, 2021; Kao, 2021; Lopez, 2021; Presha et al., 2021; Will et al., 2021; Zou, 2021). In the wake of George Floyd’s murder, many educators had been reflecting on what it looks like to teach a more thorough and honest account of our nation’s history and inquired about additional resources (Agarwal & Sen, 2022; Silva, 2020). The Texas legislation is in direct contradiction to the work of these educators. Robertson explained that “teaching students the truth, however ugly or complicated it might be, is harder for educators to do under the bill as fear begins to dominate classroom discussions” (Garcia, 2021a, para. 8). The law states that teachers cannot require race-related concepts in a course that includes ideas that “one race or sex is inherently superior to another race or sex” or that one is “inherently racist, sexist, or oppressive” according to their race or sex (SB 3, 2021, p. 3). The legislation tells educators not to tell



the whole story, but to return to a more whitewashed version of history that does not threaten white supremacy and appeals to the politically conservative agenda.

In a training session concerning the adoption of HB 3979, an administrator in the Carroll ISD used the Holocaust as an example of when teachers should teach “opposing views” of an event (Lopez, 2021, para. 1). The district’s executive director of curriculum and instruction was addressing a component of the bill that details that when teaching about an event or controversial issue, the teacher shall “strive to explore the topic from diverse and contending perspectives without deference to any one perspective” (HB 3937, p. 2). The misinterpretation made in this affluent suburb received criticism from across the nation (Lopez, 2021). The director’s conversation with teachers exemplified how the white conservative political agenda is influencing the policy implementation as it communicated a devaluing of minoritized populations and attempts to make historical events more palatable for majoritarian white populations.

### ***Politics***

Lastly, politics undergirds all of the dimensions outlined here. The passage of SB 3 comes during a time when significant conservative legislation is being proposed and passed in the overwhelmingly conservative Republican state. At the time, more than 50% of Texas’ population was female and more than 56% were people of color (Ura & Astudillo, 2021). However, 61% of lawmakers in the state House and Senate are white and of the 100 Republicans in the Texas state legislature, 95% are white and only 13 are women (Ura & Astudillo, 2021). This notable mismatch of white men in positions of power to make legislative decisions highlights how policy creation can be influenced by the political environment. As such, we see here how the political agenda can influence the implementation of the legislation and thus the results (Dorner, 2011, p. 582).

The political pressure outside the formal educational system (e.g., parent advocacy at school board meetings and state-level politicians), while not named in the legislation themselves, can have a significant influence on the groups of stakeholders who do have a more formal role. Individuals in high state-level offices have voiced strong opinions in favor of both passing and implementing the legislation. State Senator Ted Cruz continued to voice his support and exercise influence on both the interpretation and implementation of SB 3 in the K-12 setting even after its passing. He wrote and published an ebook with a nonprofit organization that trains conservatives for political action (Garcia, 2021b; Gaudiano, 2021). The ebook is framed as an effort for “brave conservatives [to] fight back...learn how to spot Critical Race Theory concepts and argue against them” (Cruz, 2021, n.p.), including identifying whether CRT is being taught in Texas schools. This argument and strategy go beyond the legislation’s mandates on what can and cannot be taught. It is a call to bring in additional politically conservative stakeholders to audit and police the implementation (Garcia, 2021b; Gaudiano, 2021). Again, the emboldened effort to protect white supremacy through the enforcement of this exclusionary legislation is evident.

School leaders have been forced to make tough calls about implementation and have faced unrelenting demands from parents and advocates (Garcia, 2021a; Lopez, 2021). Principals and superintendents who are critical of the policies and push back on their implementation have faced disciplinary action and even been forced to resign. By the end of the 2021-2022 school year, there was a mass exodus of superintendents in Texas, including the previously mentioned Dallas ISD superintendent. The sizes of their districts varied and included the two largest—Dallas ISD and Forth Worth ISD (Donaldson & Richman, 2022; Lopez & Cobb, 2022). Before March 2022, 10 superintendents announced their retirements, many citing the increased political tensions and pressures of the job (Donaldson & Richman, 2022; Richman, 2021). While they may be wanting to further anti-racist initiatives in their districts, educators are in the larger context of racialized politics and policy (Donaldson & Richman, 2022; Richman, 2021). Kevin Brown, director of the Texas

Association of School Administrators explained that “a lot of the political divisions, the cultural divisions, that are there have become such a distraction to doing the job that it becomes untenable” (Donaldson & Richman, 2022, para. 4).

In Eanes ISD, a district in West Austin and home to a white, affluent community, there is an example of loud emboldened white parents both using the school board meeting as their platform to make their opposition known. They clashed with students and teachers who were against the legislation and supported the district’s goals for anti-racist and equity-centered education (Hooks, 2021; Savage, 2022). In 2020, the district hired Dr. Mark Gooden, a professor at Teachers College, Columbia University, and a diversity, equity, and inclusion consultant, to work with them on their equity initiatives. At a school board meeting following the passage of the legislation, the white parents were vocal in their support of the termination of his contract claiming that the district’s new mission statement along with Dr. Gooden’s help, is adopting CRT and becoming overwhelmingly woke and possibly “antiwhite” (Hooks, 2021, para. 6). The opposition grew louder in the school board meetings and in newly organized groups such as “Eanes Kids First” (eaneskids.com) where the angriest parents rally and rant declaring “NO CRT in Eanes” and that racism in the district is fake news (Hooks, 2021). However, students made appeals for the district to continue teaching about race and opposed the state legislation’s aims to censure the ways schools could talk about race and racism. In January 2021, the district’s school board solidified several goals concerning diversity, equity, and inclusion that were adopted in the district’s 2021-2022 improvement plan (Eanes ISD). The school board voted to extend Gooden’s contract another year. This decision, again, was met with opposition from parents who argued conversations concerning race and other similar issues should be discussed at home (Asch, 2021). As white populations further the omission and demand the exclusion of learning about race and racism in schools, there is evidence of interest divergence playing out to further insulate and embolden white supremacy. As such, the white parents’ continued advocacy to control the narrative concerning race in schools exemplifies the political influence of white backlash aimed at protecting their perceived rights and interests. White backlash then disempowers school leaders to resist the legislation or interpret it in ways that run in opposition to proponents. This dynamic between school leaders who capitulate to opposing white stakeholders only then perpetuates racism and white supremacy.

### **Critical Race Praxis in Policy Implementation: California and Disrupting/Interrupting Levers of Change**

We first used a CRT lens to uncover the problematic racial politics of the anti-CRT rhetoric in education, with a specific focus on Texas. We showed how whiteness is succeeding in anti-CRT policy discourse, as fear of retaliation has resulted in few but limited efforts to challenge the policy upon implementation. In juxtaposition, and in a much different sociopolitical context, we offer one promising example of critical race praxis (CRP) in policy implementation: the decades-long effort in California to make ethnic studies a curricular requirement in both K-12 and higher education. The ethnic studies movement can first be traced back to the late 1960s in California when a coalition of Black, Latinx, Asian American, and Native American students demanded San Francisco State University create an ethnic studies department, and high schools across the country followed suit by offering ethnic studies elective courses (Au, 2020a). The journey to ethnic studies becoming state law, like the present anti-CRT rhetoric, was indeed embroiled in racial politics, but over time the grassroots efforts, CRP, helped disrupt whiteness and instead prioritize the perspectives and histories of minoritized populations in the state curriculum. Again, using the conceptual frame of policy, place, people, and politics we explore further the CRP involved in the evolution and implementation of the ethnic studies bill in California.

### ***Policy***

In October 2021, Governor Gavin Newsom signed Assembly Bill (AB) 101 making California the first state to require high school students to complete a course in ethnic studies prior to graduation (Fensterwald, 2021). According to AB 101, California high schools must offer students an ethnic studies course by the 2025-2026 school year with the law taking effect for 2029-2030 graduating seniors. The state is allocating \$50 million from its budget to support school districts, county offices of education, and charter schools in developing an ethnic studies curriculum. AB 101 does not mandate a specific ethnic studies curriculum leaving it up to school districts to decide what they would like to adopt. However, the California State Board of Education adopted an optional ethnic studies model curriculum that provides guidance to school districts as they work on developing their ethnic studies offerings (CDE, 2021). The model curriculum focuses on four historically minoritized and marginalized groups who have also been the focus in college-level ethnic studies courses: Black/African Americans, Asian Americans and Pacific Islanders, Native Americans, and Chicana/o/x and Latina/o/x populations. It also offers lesson plans on Arab Americans, Armenian Americans, Sikh Americans, and Jewish Americans (CDE, 2021).

### ***Place***

California is not alone in its efforts to include ethnic studies in its curriculum. Indeed, more than one third of U.S. states are seeking to pass or have already enacted legislation that expands education efforts around the history of race and racism, focusing on specific racial and ethnic groups (Stout & Wilburn, 2022). In California, school districts like San Diego, San Francisco, and Fresno Unified are already working on requiring their high school students to take an ethnic studies course, while the Los Angeles Unified School District passed three resolutions for integrating ethnic studies into Pre-K by 2022-2023 (Fensterwald, 2021; FUSD, n.d.; LAUSD, 2020; SDUSD, 2018; SFUSD, 2021). Additionally, ethnic studies courses are currently offered in hundreds of high schools across the state (Fensterwald, 2021). Some schools like Berkeley High School are ahead of the curve, requiring ninth-grade students to take an ethnic studies course since 1990 (Berkeley High School, n.d.; Hung, 2021). In the Stockton Unified School District, ethnic studies efforts began in 2009 through an after-school program that focused particularly on Filipino American students. In 2017, an ethnic studies course was adopted and taught in three schools in the district. Two years later, the Stockton Unified school board passed a resolution to expand the program (Posnick-Goodwin, 2021; Stockton USD, n.d., 2022).

Yet, what will be taught in ethnic studies courses in school districts may be complicated and depend on geographic and sociopolitical contexts. For example, in the Ramona Unified School District, which is located in a predominately white, conservative community in San Diego County, the school board passed a civic education policy in August 2021 (Ramona USD, 2021) banning schools from teaching 10 concepts about race, including:

teaching that a person is inherently racist, sexist, or oppressive because of their race or sex, whether intentionally or unintentionally; a person's worth is determined by their race or sex; a person bears responsibility for past actions of people of the same race or sex; a person should feel guilty or not because of their race or sex; and that the advent of slavery constituted the beginning of the United States. (Taketa, 2021, n.p.)

Moreover, in December 2021 the district revised its controversial issues policy to center patriotism and ensure teachers are not demonstrating any political bias in the classroom (Vardon, 2021). For example, the policy now states,

Instruction shall be presented in a balanced manner that promotes a positive school climate and virtues of character, while addressing all sides of the issue without bias or prejudice and without promoting any particular point of view. ...Students shall be taught to do their own research and develop their own critical thinking life skills to recognize soft censorship, bias, and/or propaganda thereby forming their own opinions. ...Patriotism rightly understood includes respect for dissent and contention, and does not attempt to flatten out differences or wash away failures (past or present). But it does take seriously, the fundamental moral obligation to honor the remarkable achievements of those who came before us. (RUSD, 2021, n.p.)

Indeed, how the implementation of ethnic studies courses and curriculum will play out across California will greatly depend on place.

### ***People***

The ethnic studies bill in California successfully became a law largely due to significant public support from powerful political elites as well as over half a century of grassroots organizing and activism dedicated to the effort (Au, 2020b; Kornfield, 2021). While the voices of policymakers against CRT have largely dominated the discourse in Texas and nationwide, in contrast, the push for a mandated ethnic studies curriculum in California received significant backing from a number of high-profile policymakers as well as from the Latino, Asian Pacific Islander, Black, Jewish, and Native American caucuses in the state legislature (Kornfield, 2021). The original bill was written and sponsored by Assemblymember Jose Medina (D-Riverside) in 2018 and also made provisions for funding and resources needed to implement the curriculum. For Assemblymember Medina, authoring this bill was deeply personal. Before becoming a state legislator, he taught high school social studies in Riverside, a predominately Latinx city east of Los Angeles (Pawel, 2021). His course load included ethnic or Chicano studies, and he supplemented the limited textbook options on the topic with literature, poetry, documentaries, and field trips to see plays written by Chicano playwrights. As a result, students' engagement increased because they saw their identities and histories reflected in the curriculum. This prior experience largely influenced Medina to sponsor the bill once chair of the Assembly Higher Education Committee (Pawel, 2021).

Governor Newsom was also publicly supportive of the ethnic studies bill. However, he vetoed the original bill in response to, as we will discuss later, politics from various stakeholder groups demanding the bill be more inclusive of their communities. In his public statement, the Governor's rationale for vetoing and returning AB 331 without his signature was out of "concern that the initial draft of the model curriculum was insufficiently balanced and inclusive and needed to be substantially amended" and that in his "opinion, the latest draft" that was out for review at the time still needed revision (Newsom, 2020, para. 5). Thus, the governor did not object to the overall spirit of the bill but that the first draft of the state's curricular model for ethnic studies at the time, which was intended to serve as a guiding template for how local school districts could design their own course, still left out the stories of certain minoritized populations instrumental to the historical fabric of California (Fensterwald, 2021; Pawel, 2021). Also, in this veto message, the governor reiterated how much he values the importance of ethnic studies as it helps "young adults become civically engaged and fully participate in democracy" (Newsom, 2020, para. 3). He reminded Californians that the prior month he signed a similar bill, AB 1460, into law that mandated ethnic studies in the California State University System. He followed this continued public declaration in support of an ethnic studies curriculum by commissioning the State Board of Education President

Linda Darling-Hammond and the State Superintendent of Public Instruction Tony Thurmond to redraft an ethnic studies curricular model that “achieves balance, fairness, and is inclusive of all communities” (Newsom, 2020, para. 7). Governor Newsom (2020) then concluded his veto message affirming that, “In California we don’t tolerate our diversity. We celebrate it” (para. 7).

Yet, the urgency for an ethnic studies curriculum statewide largely originated from bottom-up, localized grassroots advocacy and leadership dating back to student movements in the 1960s (Pawel, 2021). Among the most high-profile historical examples was the five-month strike at San Francisco State University (SFSU) organized by the Third World Liberation Front concluding in March 1969. As a result, the first College of Ethnic Studies in the US was established. This activism at the time also prompted the University of California, Berkeley to form a Department of Ethnic Studies. The year 1976 marked the first state-level attempt to pursue ethnic studies when the superintendent of the department of public instruction initiated an “Analysis of Curriculum Materials for Ethnic Heritage Programs,” which was a two-year project that supported K-12 teachers in integrating ethnic studies into their curriculum. Budget constraints slowed the expansion of ethnic studies in California. Yet, when Arizona lawmakers banned ethnic studies classes from K-12 public schools in 2010, this reignited interest among activists in California who were concerned that the same could occur there (Pawel, 2021). For instance, in 2010, social studies teachers in San Francisco collaborated with SFSU’s College of Ethnic Studies to establish ethnic studies curricula initially in 10 and then expanded to all 19 high schools in the district. Relatedly, researchers at Stanford University studied San Francisco’s implementation of ethnic studies and found that enrollment in the course improved student attendance, grades, and credits earned (Bonilla et al., 2021; Pawel, 2021).

Finally, school board member Jose Lara had a significant influence on statewide policy advocacy around ethnic studies as a requirement. Lara, a former K-12 teacher who attributes much of his exposure to ethnic studies to his time as a student at the University of California, Los Angeles, ran for school board in El Rancho, a working-class Mexican American community in East Los Angeles. In 2014, Lara co-founded the Ethnic Studies Now Coalition, which urged the Los Angeles school board to make ethnic studies a graduation requirement. While the Los Angeles superintendent overruled this policy proposal due to its anticipated cost, the district instead implemented the course as a year-long elective (Pawel, 2021).

### ***Politics***

There were identity politics and tensions regarding whose histories and perspectives should be represented in the state curricular model for ethnic studies in California (Fensterwald, 2021). The first draft of the model curriculum generated over 30,000 comments to the state regarding the omission of lessons about Jewish people and the harmful impact of anti-Semitism. The State Board of Education President Linda Darling-Hammond rejected this initial draft on grounds that the curriculum should be unbiased and representative of “all learners in our diverse state” (Pawel, 2021, para. 25). The model curriculum then went through another year-long review process, and the second draft was released for public review on August 13, 2020. Concerned the bill would get stalled and die in the Senate appropriations committee, Assemblymember Medina used the global racial reckoning after the murder of George Floyd to create a sense of urgency for why an ethnic studies curriculum is important. Medina worked with the California Legislative Jewish Caucus to accept amendments to the bill that addressed their concerns, and they subsequently voted in favor of the bill. It should also be noted that Medina is the only legislator who is a member of both the Latino and Jewish caucuses. Eventually, the bill made it out of committee and passed in the Senate on the last day of the legislative session on August 31, 2020 (Pawel, 2021).

However, as mentioned earlier, the Governor still vetoed the bill with concerns that issues with inclusivity remained. Subsequently, the state board of education facilitated another yearlong

effort to revise the draft model curriculum with feedback from experts and the public in the process. The Instructional Quality Commission (IQM), an advisory to the State Board of Education, then reviewed this latest draft of the curriculum, allotting an opportunity for a public comment session during their meeting. During this public comment session, once again there was debate on what ethnic, racial, and/or religious groups should be reflected in the curriculum (Fensterwald, 2020b). Jewish advocacy groups again raised concerns that they were inadequately represented, while additional ethnic groups, especially Arab, Sikh, and Armenian communities, called for their histories of oppression and discrimination to be reflected in the curriculum. Yet, several legislators and ethnic studies advocates, with the State Superintendent of Public Instruction in agreement, emphasized the original four groups—Black/African Americans, Asian Americans and Pacific Islanders, Native Americans, and Chicana/o/x and Latina/o/x populations—should remain the focus of the curricular content (Fensterwald, 2020b; Pawel, 2021). To satisfy all concerns, IQM included in the appendix lesson plans that represent a broader set of ethnic groups (Pawel, 2021).

It should be noted that during this time State Superintendent Thurmond also announced in response to criticism from Jewish and other advocacy groups, a multi-million dollar “Education to End Hate” initiative that would provide a training grant and other professional development for teachers to learn how to teach tolerance around issues of race and religion. The State Superintendent also saw this initiative as a means to counter the rising hate speech and incidents of anti-Semitism, Islamophobia, bullying of LGBTQ+ students, and racism directed toward Latinx students since former President Trump’s election (Fensterwald, 2020a).

## Discussion and Conclusions

Race matters and plays a pivotal role in understanding existent and historical inequities in society. This is particularly true when it comes to the policy process as even if a policy is designed to prevent inequities, how it is implemented may actually undermine its intended goals. CRT, and the rhetoric and discourses that surround it, underscore our argument that it is impossible to think about policy implementation without centering race and racism. Specifically, the racial politics associated with policy implementation, as is evident in both Texas and California, reveal the contours of whiteness and how it operates in preventing the teaching of race in the classroom. Indeed, the very essence of CRT crystallizes why a backlash against it is occurring in state legislatures like Texas that are comprised of predominantly white, conservative policymakers, as well as in school districts with majority white populations whose parents and families are vocal about their animosity toward teaching about race. These white legislators and individuals know the value and power of their whiteness (Harris, 1993) and wield it to their advantage, resulting in policies and practices that are particularly harmful to racially minoritized and marginalized people. Thus, we view the pairing of CRT and policy implementation as beneficial because it further illustrates how racism is endemic in society.

We place policy implementation within CRT in our framework to advance the understanding of how CRT (i.e., whiteness, interest divergence, racial realism, and the erasure of people of color) and the discourses used to frame it are continual to policy implementation. This helps us to show how the anti-CRT push in state legislatures like Texas situated within language such as “divisive concepts” or “anti-American” is more than just about not teaching race in the classroom. It is about revising history so that race and racism are not depicted accurately, which erases the trauma and violence experienced by racially minoritized people. Excluding the teaching of Native American genocide, critically examining racial and social justice movements, and not having access to documents that include information about influential and important historical figures like Cesar

Chavez and Frederick Douglass is placating white supremacy. It is a color-evasive approach to educational policy, which is a tool of white supremacy that ignores the permanence of racism in society and endangers racially minoritized people (Annamma et al., 2017; Diem & Welton, 2021). Such policies are also rooted in a belief that whiteness is being threatened (DiAngelo, 2011; Gillborn, 2019), and results in predictable patterns such as white backlash, overt racism, racial violence, and racial trauma.

Whereas in the Texas example CRT helps understand how racism, especially whiteness, is ubiquitous to policy implementation in the rise of anti-CRT rhetoric, it is also important to recognize how policymakers in states such as California are pushing back against and working to disrupt whiteness in education policy implementation and actualize CRT in practice (Fuentes, 2012). From state-level officials and policymakers to grassroots organizers and local school district educators, efforts have been made to adopt a statewide ethnic studies curriculum and mandate all high school students take an ethnic studies course prior to graduation (Fensterwald, 2021; Kornfield, 2021). Indeed, it was the people, place, and politics that created a window of opportunity for ethnic studies legislation to pass in California (Honig, 2006; Kingdon, 2011). The support of political elites coupled with decades of grassroots organizing in a political context that has historically been more inclusive in its approach to educational policy has helped school districts put into practice the theoretical concepts and language from CRT. In turn, students will be better educated about the history and truths of race and racism and how it is possible to collectively work toward anti-racist policy change in our communities (Stovall, 2013; Yamamoto, 1997).

Using CRT in conjunction with policy implementation can assist policymakers and school leaders in analyzing and determining how their practices are impacted by racism. Yet, given that there are a number of tenets associated with CRT, it is important to determine which tenets are most appropriate given the particular policy issue that is being analyzed. Indeed, in our analysis, we chose to only focus on four CRT tenets as we felt they helped us to best illustrate why and how the anti-CRT rhetoric has ballooned in recent years, as well as the discourses used and responses to states implementing anti-CRT policies *and* the policies that are working to further students' knowledge on race and racism. Thus, a potential roadblock in using our conceptual framework may be the misappropriation of CRT tenets to a policy issue, which may result in a misunderstanding of how racism is playing out in policy implementation.

The increasing number of anti-CRT bills nationwide further suppresses educators' policy implementation decisions and practices by prohibiting their ability to address systemic racism in curriculum, staff professional development, and other core areas of schooling. Yet, there were examples of single leaders and districts in Texas who demonstrated CRP by publicly speaking out against the anti-CRT bill and/or honoring their district's commitment to racial equity even when white parents vehemently objected. However, as research demonstrates it is difficult to achieve anti-racist policy change in isolation especially considering the potential risks and threats to personal safety and even job security when educational leaders shoulder the anti-racist work alone (Diem et al., 2022). Whereas, a group can often have more power and influence than a single person, which is why there is considerable evidence of grassroots organizing and coalition building advancing anti-racist change (Diem et al., 2022). The statewide implementation of ethnic studies in California was largely due to not just a single policy actor but grassroots coalitions of educators and various groups who ensured their voices, histories, and identities were reflected in the state curriculum. Still, in Texas, there is limited evidence of CRP that is coalitional, but perhaps grassroots organizing and activism could build the collective power needed to contest the state's anti-CRT law (also see Henry et al., 2023).

Despite these challenges, there are hopeful examples of states with conservative political contexts similar to Texas where CRP and other forms of political advocacy successfully prevented

these anti-CRT and other oppressive bills from ever becoming law. For example, in Indiana, educators, parents, community members, and business owners across the state formed a grassroots coalition to protest HB 1134, which, like most state anti-CRT bills, aimed to censor how educators discuss race and intersecting topics around gender identity, sexuality, and religious oppression (Rhoden, 2022). This coalition spurred unprecedented interest from a diverse set of stakeholders who publicly spoke against the bill. For instance, over 200 speakers signed up to testify against the bill at the Indiana Senate Education Committee hearing and organizations like the Indy Black Expo, the Indianapolis Urban League, and the African American Coalition organized to bring a large group of Black parents to the Senate hearing. At this same hearing, teachers testified to the importance of teaching their students the truth about race and racism, and business leaders similarly spoke to how educating young people about diversity, equity, and inclusion is important to the workforce (Rhoden, 2022). Because of this coalition of diverse stakeholder groups' grassroots political advocacy, the bill failed to advance in the Senate. Much like Indiana's success, 17 states including California recently passed laws to advance curriculum and teaching about systemic racism, bias, and the historical contributions of specific racial or ethnic groups (Stout & Wilburn, 2022). Though even with the successful obstruction of the anti-CRT bill in Indiana, there is still significant policy advocacy and justice work to be done. The state's governor recently signed a bill into law that will require parents to be notified if a student requests a name or pronoun change in school (Rodgers, 2023), and regrettably more than 300 similar anti-LGBTQ+ bills have been filed to state legislatures nationwide (Chapman, 2023).

Unfortunately, school leaders often assume that the voice of white resistance, fear, and backlash is the loudest and most powerful in the education policy process, and resultantly feel defeated that anti-racist change is even a possibility (Diem & Welton, 2021). However, the more recent successful examples of grassroots coalition building challenging the anti-CRT policy rhetoric demonstrate that CRP is perhaps one tool school leaders have at their disposal to subvert whiteness and white supremacy in policymaking, especially policy implementation.

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