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(Re)Setting the Racial Narrative: Antiblackness and Educational Censorship

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Abstract: Antiblackness is a persistent feature of American society with continued implications for the experiences, outcomes, and well-being of Black communities. In the wake of widespread protests against antiblack police brutality and heightened awareness of racial injustices in 2020, federal, state, and local political actors swiftly began a concerted effort to maintain the illusion of racial progress within the United States. These efforts, which we identify as manifestations of what Carol Anderson (2016) describes as White rage, have taken the form of educational censorship policies that have been successfully enacted in at least 18 states. This study interrogates the policy development process of two such censorship policies in Texas and North Dakota. Drawing on Black critical theory and insights from critical policy analysis, we demonstrate the ways that antiblackness was made legible in the policy development process and conclude with recommendations for combatting the further spread of antiblack educational censorship.

Keywords: antiblackness; education policy; educational censorship; racism; curriculum

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(Re)establecer la narrativa racial: Antinegritud y censura educativa

Resumen: La antinegritud es una característica persistente de la sociedad estadounidense con implicaciones continuas para las experiencias, los resultados y el bienestar de las comunidades negras. A raíz de las protestas generalizadas contra la brutalidad policial contra los negros y la mayor conciencia sobre las injusticias raciales en 2020, los actores políticos federales, estatales y locales rápidamente comenzaron un esfuerzo concertado para mantener la ilusión de progreso racial dentro de Estados Unidos. Estos esfuerzos, que identificamos como manifestaciones de lo que Carol Anderson (2016) describe como la ira blanca, han tomado la forma de políticas de censura educativa que se han implementado con éxito en al menos 18 estados. Este estudio interroga el proceso de desarrollo de dos políticas de censura de este tipo en Texas y Dakota del Norte. Basándonos en la teoría crítica negra y las ideas del análisis crítico de políticas, demostramos las formas en que la lucha contra la negritud se hizo legible en el proceso de desarrollo de políticas y concluimos con recomendaciones para combatir la mayor propagación de la censura educativa contra los negros.

Palabras-clave: antinegritud; política educativa; censura educativa; racismo; plan de estudios

(Re)configurando a narrativa racial: Antinegitude e censura educacional

Resumo: A antinegitude é uma característica persistente da sociedade americana com implicações contínuas para as experiências, resultados e bem-estar das comunidades negras. Na sequência dos protestos generalizados contra a brutalidade policial anti-negros e da maior consciencialização sobre as injustiças raciais em 2020, os actores políticos federais, estaduais e locais iniciaram rapidamente um esforço concertado para manter a ilusão de progresso racial nos Estados Unidos. Estes esforços, que identificamos como manifestações daquilo que Carol Anderson (2016) descreve como raiva branca, assumiram a forma de políticas de censura educacional que foram promulgadas com sucesso em pelo menos 18 estados. Este estudo interroga o processo de desenvolvimento político de duas dessas políticas de censura no Texas e em Dakota do Norte. Com base na teoria crítica negra e nos insights da análise crítica de políticas, demonstramos as maneiras pelas quais o antinegitude se tornou legível no processo de desenvolvimento de políticas e concluimos com recomendações para combater a propagação da censura educacional antinegros.

Palavras-chave: antinegitude; política educacional; censura educacional; racismo; currículo

**(Re)Setting the Racial Narrative:
Antiblackness and Educational Censorship**

Due to the enduring nature of antiblackness in society (Dumas, 2016), it was predictable that the aftermath of the state-sanctioned murders of Breonna Taylor and George Floyd would result in efforts to maintain a mirage of multicultural inclusion. Since Black Lives Matter protests against racial injustice filled streets across the United States during the summer of 2020, policymakers at the state, local, and federal levels have engaged in targeted efforts to ensure that a race-evasive history of American patriotism and freedom would be taught in schools (McClain, 2021). While some have argued that the United States underwent a racial reckoning to confront preconceived notions of race and racism in our society (Dunivin et al., 2022; Hammonds, 2021), we argue that the true racial reckoning in the United States has, instead, occurred through the recent, successful adoption of policies aiming to control America's normative racial narrative.

After heightened awareness of the pervasive nature of anti-Black racism, as evidenced by the aforementioned protests and demonstrations, 18 states successfully adopted educational censorship policies intended to limit discussions of race and racism within K-12 schools (Schwartz, 2023). Our analysis centers on two of these policies: HB3979 in Texas and HB1508 in North Dakota. Both pieces of legislation were specifically introduced to address the manufactured crisis of critical race theory (CRT) potentially influencing curricula and instructional practices in K-12 schools (Strozewski, 2021; Yager, 2021). Recent debates suggest that anything related to the history of race, racism, Blackness, or Black experiences can be connected to conservatives' faulty understandings of CRT and, therefore, is deemed inherently un-American.

For example, in banning a list of books discussing issues of race, racism, and racially diverse experiences, one school board president in Central York, Pennsylvania, explained:

The Board believes that the fundamental purpose of school is that of core academics objective education without indoctrination from any political or social agenda, and we look forward to the forthcoming review of the list and bringing balance to our classrooms. (Panyard, 2021)

This race-evasive argument for a balanced, objective education free from a political agenda is at the crux of our analysis in this work. While supporters of censorship in school feign allegiance to objectivity and neutrality, this argument primarily serves as a cover for the influence of White rage and backlash in response to the potential of racial progress (Anderson, 2016).

Drawing on insights from Black critical theory (Dumas & ross, 2016) and White rage and backlash (Anderson, 2016; Hewitt, 2005), this comparative critical policy analysis interrogates and explicates the ways in which antiblackness is evident in the conceptualization and development of educational censorship policies in Texas (HB3979) and North Dakota (HB1508). We ground our implications and recommendations in the understanding that the expansion of these censorship policies is predictable, but not inevitable and can, instead, be disrupted through collective acts of resistance. This study was guided by the following research question: *What discourses related to antiblackness and White rage (Anderson, 2016) are made legible in the policy development process for Texas's HB3979 and North Dakota's HB1508?*

A Brief Review of Educational Censorship in K-12 Schools

Contentious debates concerning what and how to teach curricular content have long been a part of American educational policymaking. Whether due to fears of religious indoctrination or concerns about unflattering, albeit accurate, portrayals of United States history, policy actors across the political spectrum have engaged in what Hartman (2013) characterizes as “a struggle for the soul of America” (p. 115). This struggle over what the prevailing national narrative should be has unfolded in countless courtrooms, boardrooms, and legislative chambers across the US, resulting in an extensive history of state and local governments enacting policies designed to censor or uphold certain ideas, histories, and narratives in schools.

For example, in 2010, the Texas State Board of Education passed revised social studies standards with what Noboa (2011) describes as the “intent to literally whitewash American history” (p. 44) through the standards' recharacterization of “imperialism” as “expansionism” and the “slave trade” as the “Atlantic triangular trade.” Similarly, although close to 70% of American voters oppose efforts to remove books from school libraries (American Library Association, 2022), movements to ban certain books, namely those that challenge dominant historical narratives, continue to persist. Examples of frequently censored books that have been described as divisive or inappropriate include texts by Toni Morrison, Langston Hughes, Richard Wright, and Alice Childress, well-known Black

authors whose works often illuminated the frailty of the American master racial narrative (Kim, 2022). Likewise, Camicia and Zhu (2019) found that LGBTQ+ individuals and issues, often viewed as “controversial,” are largely excluded from most state educational standards.

Importantly, Shearer (2022) describes how “what is considered inappropriate, offensive, or unsuitable reflects the social anxieties that exist when bans are proposed” (p. 28), an argument that suggests the rampant spread of anti-critical race theory policies should not be divorced from the broader sociopolitical context in which these policies were developed. For example, Arizona’s HB2281, a ban on Tucson Unified School District’s Chicano studies courses, was signed less than six weeks after Governor Jan Brewer signed SB 1070, a racially discriminatory law targeting undocumented immigrants (Jensen, 2013). In tandem, these intentional policy choices attempt to promote a racist and xenophobic dominant narrative not only of who belongs in the United States but also of whose stories are allowed or deserve to be told in American schools (Sachdeva et al., 2023).

Before the most recent censorship efforts nominally focused on misunderstandings of critical race theory (CRT), another key example of educational censorship involved the introduction of ethnic studies curriculums in K-12 education. As a field, ethnic studies grew out of political movements and protests in the 1960s and 1970s, where people of color demanded changes to the decidedly Eurocentric curricula across educational spaces (Carjuzaa et al., 2015). Similar to proponents of CRT bans, coalitions of largely White, politically conservative groups often argued that ethnic studies curricula would be inherently harmful to White, Christian students and, at times, claimed that such courses would violate federal anti-discrimination legislation (Chang, 2022). Chang (2022) describes these reactionary movements limiting racial literacy and learning opportunities as “curricular countermovements.” As Chang explains, curricular countermovements are oppositional movements that have traditionally been used to “circumscribe what students should know by delegitimizing programs that [cultivate] the academic achievement and critical consciousness of nondominant youth” (Chang, 2022, p. 159). We build on this literature by arguing that this slate of recent educational censorship policies follows a similar trajectory as reactionary attempts to limit the potential for increased critical consciousness for K-12 students regarding antiblack racism in society in the aftermath of the Summer 2020 protests.

Conceptual Framework

Dumas and Anyon (2006) explain that “education policy cannot be understood fully if considered distinct from broader social policy and ideological discourses within specific communities” (p. 149). The ideological discourse of antiblackness has been a defining feature of American society since the signing of the founding documents, which characterized Black people as three-fifths of a person in order to preserve “a more perfect union.” With surgical-like precision, policymakers throughout this nation’s history have systematically developed and enacted targeted policies to deny Black people the civil rights and liberties promised to all U.S. citizens (Bell, 1992). Even when such rights and liberties were enshrined in the U.S. Constitution through the 13th, 14th, and 15th Amendments, meaningful implementation was often stymied by those who wished to maintain the social power of the dominant racial class. Through the use of Black Codes, swiftly implemented throughout the former Confederacy and beyond, White policymakers were able to ensure that the newly-freed Black citizens would remain in a state of subjugation by denying them access to educational resources and opportunities (Givens, 2021).

Anderson (2016) explains that these policies are racially reactionary by design and can be characterized as manifestations of “White rage,” or the anger and resentment of White individuals in reaction to the racial progress of other groups, primarily Black individuals. Triggered by even the

threat of progress for Black people, these “policy assaults and legal contortions [have] consistently punished black resilience, black resolve” (Anderson, 2016, p. 20). The result of these punishments can also be explained through the related concept of White backlash.

Hewitt (2005) defines White backlash as “negative reactions within White communities to (1) the proximity of black communities following migration, or (2) the potential acquisition of new power and/or status by [black people], or (3) the fashioning of policies or legislation to bring about greater equality between “racial”/ethnic groups, or (4) the enforcing of such policies or legislation” (p. 5). White backlash often occurs due to the perceived loss of White privilege and power (Hewitt, 2005; Hughey, 2014). In addition, Hughey (2014) traces multiple waves of White backlash in society, each of which demonstrates how potential Black progress has often been swiftly followed by collective White opposition through policy and practice. In the aftermath of the Summer of 2020 Black Lives Matter protests, which have been described as the largest social movement against racial injustice in the United States (Mir & Zanoni, 2021), we argue that the educational censorship policies at the heart of this study are yet another manifestation of White rage (Anderson, 2016) and White backlash (Hewitt, 2005) in service of a false narrative of racial progress in America.

To help interrogate these White supremacist policies and initiatives, we also employ insights from Black critical theory (BlackCrit). BlackCrit expands upon the existing theorizations of race and racism within our society and provides a deeper understanding of antiblackness as an inherent and continuous structure within our society (Coles, 2020; Dumas & ross, 2016). More specifically, BlackCrit helps to address how antiblackness informs and facilitates racist ideology and institutional practice (Coles & Powell, 2020; Dumas & ross, 2016; Wynter, 1989).

As Dumas (2016) explains, “a theorization of antiblackness allows one to more precisely identify and respond to racism in education discourse and in the formation and implementation of education policy” (p. 11). By incorporating this theory into our conceptual framework, we are also able to demonstrate the various ways in which educational censorship policies uphold and continue to perpetuate the larger antiblack, racially oppressive systems and structures across the education landscape (Coles, 2020; Dumas & ross, 2016; ross, 2019). Dumas and ross (2016) explain that the ideology of antiblackness refers explicitly to the relationship between Black people (and Blackness) and notions of humanity, in addition to how Black people have been categorically and continuously dehumanized through social policy. BlackCrit also calls attention to how blackness in our society functions in relation to Whiteness (Gordon, 1997; Wilderson, 2010), specifically operating “in tension with the neoliberal-multicultural imagination” (Dumas & ross, 2016, p. 430).

The neoliberal-multicultural imagination frames the omnipresent impacts of antiblackness and structural racism as individual failings within the race-neutral marketplace, particularly as anti-discrimination laws and affirmative action policies have supposedly eradicated racism in society. Followers of this ideology may point to the fact that America has elected a Black man as president, a Black woman as vice president, and confirmed a Black woman to the Supreme Court for the first time in its 200-year history. By these claims, racism and antiblackness are no more than distant memories, and anyone unable to achieve the American Dream has significant individual failings through no fault of the state. However, scores of empirical data demonstrate that this understanding of America, while idealistic at best, contradicts the persistent realities of antiblack racism in our society (Warren & Coles, 2020).

In sum, the neoliberal-multicultural imaginary presents racism as a relic of the past as evidenced by symbols of Black progress (e.g., Black representation in government offices, the existence of Black millionaires, etc.) and sets enduring, systemic inequities experienced by Black people as “problems of blackness in itself” (Dumas & ross, 2016, p. 430). Under this logic, many education policies largely focus on problematizing achievement gaps as opposed to reckoning with

the legacy of intentional, unequal investments in Black educational spaces (Ladson-Billings, 2006). As Black educational researchers, we deeply resonated with the intentionality of BlackCrit, specifically in that this work is designed to “richly capture how antiblackness constructs Black subjects, and positions them in and against law, policy, and everyday (civic) life” (Dumas & ross, 2016, p. 417). Most importantly for this study, we found that BlackCrit offered a lens through which the revisionist, majoritarian narratives embedded in HB3979 and HB1508 can be understood as grounded in logics of antiblackness.

Research Design

Critical Policy Analysis

When studying the policy development process, Kingdon (1995) asks us to consider, “How do subjects come to officials’ attention? How are the alternatives from which they choose generated? How is the governmental agenda set? Why does an idea’s time come when it does?” (p. xi). Dissatisfied with theoretically narrow and rationally driven approaches to policy analysis, many researchers have questioned the nature of policy, how it is created, its impact, and traditional approaches to policy analysis (Diem et al., 2019; Dumas & Anyon, 2006). These scholars use critical frameworks to question how the policies and politics surrounding education have traditionally been approached and analyzed (McDonnell, 2009; Young & Diem, 2017; Diem et al., 2019). Over time, the utilization of these critical approaches and theories eventually became known as critical policy analysis, which “is grounded in the belief that it is absolutely crucial to understand the complex connections between education and the relations of dominance and subordination in the larger society—and the movements that are trying to interrupt these relations” (Apple, 2019, p. 276). Studies that employ critical policy analysis often use a range of qualitative methods, including but not limited to document analyses, observations, and interviews (Diem & Brooks, 2022). We follow this methodological tradition by engaging in a comparative critical policy analysis through qualitatively analyzing video recordings of legislative hearings, legislative policy documents, and news articles detailing the development of HB3979 and HB1508.

Site Selection

This project is a sub-study of a larger study focusing on educational censorship policies across the United States. In this sub-study, we interrogate how such policies came to be in two states: Texas and North Dakota. These two sites were initially selected due to their divergent characteristics in terms of racial demographics and population size. For example, in the 2020-2021 academic year, 12.7% (680,598) of public-school students in Texas identified as Black, while Black students comprised 7% (8,037) of the public-school student population in North Dakota (Hodges et al., 2018; Gilblom et al., 2020; North Dakota Department of Public Instruction, 2023; Texas Education Agency, 2023). In addition, Texas is home to more than 29 million residents, while North Dakota has close to 775,000 (U.S. Census Bureau, 2022a, 2022b). After further investigation into each site, we also discovered many similarities in the political landscapes of the two states during the passages of HB3979 and HB1508. For example, both Texas, since 2003 and North Dakota, since 1995, were two of 26 states functioning as Republican “trifectas” (i.e., single-party control of the executive branch and both legislative houses) in 2021 (Ballotpedia, n.d.).

Based on these similarities and the differences discussed above, we thought that comparing each bill’s enactment would provide great insight into the different yet synchronized and deliberate ways state lawmakers developed these policies and expressed their justifications for doing so. Additionally, both states have histories of anti-Black racism and violence (Campbell, 2010; Glasrud,

2015; Grace, 2023; 2015; Maggard, 2004; Roper, 1993; Teague, 2018). Given that our analysis is grounded in a Black critical theory lens, we also posited that these histories, combined with the enduring legacy of antiblackness in education policy in America more broadly (Dumas, 2016), could have important implications for policymakers, students, and other educational actors.

Data Sources

The data for this study are derived from three primary sources: relevant legislative committee hearings, legislative policy documents, written public comments, and news articles detailing each state's policy development process (see Table 1). Like Ching et al. (2020), we recognize “policy as a political and value-laden process” (p. 824). Therefore, we decided to triangulate our data by collecting and examining multiple sources of data in our analysis. This data triangulation was primarily done to help demonstrate how policymakers’ intentions and values were being represented across different outlets as it related to Texas HB3979 and North Dakota HB1508.

Table 1
Primary Data Sources

State	Bill	Legislative Committee Hearings	Legislative Policy Documents	News Articles
Texas	HB3979	House Public Education Committee (4/13/21) Senate State Affairs Committee (5/17/21)	13 documents	67 articles
North Dakota	HB1508	Joint Technical Corrections Committee (11/09/2021)	55* documents	24 articles

*includes 51 written public comments regarding HB1508

Committee hearings provided crucial context for the policy process through which legislators offered and defended their opinions about the legislation while hearing from community members in an open forum. The policy documents are primary artifacts that detail the final products that emerged after hours of deliberation and negotiation. They also provided written documentation of the stated objectives in each proposed bill. For example, in the Texas Senate Research Center’s analysis of HB3979, the sponsor's statement of intent explained that the purpose of the bill was to address concerns about social studies curriculum in Texas schools and to prohibit teachers from being forced to discuss controversial current events or engage in racially discriminatory training. In contrast, the North Dakota legislature used language more explicitly tying the bill’s intent to debates around CRT, describing their bill's purpose as specifically prohibiting CRT teachings in public schools. Lastly, the news articles offered a window into the production of policy narratives that played out through interviews and official statements provided by legislators and policy actors. This approach allowed us to follow the nuances of the policy development process while tracing the logics of antiblackness from the policies’ inception to their ultimate passage.

Video recordings of the committee hearing and legislative policy documents were readily available from each state legislature’s websites and were collected from that source. We collected and analyzed recordings from three legislative committees: 1) the Texas House of Representatives Public Education Committee, 2) the Texas Senate State Affairs Committee, and 3) the North Dakota Joint Technical Corrections Committee.

News articles were also gathered through Google News, an online news search engine (Weaver & Bimber, 2008). Examples of search terms that were employed in this data collection phase included “critical race theory ban in Texas/North Dakota (adapted to each context),” along with the formal number assigned to each bill as it worked through the legislatures, i.e., “HB3979” and “HB1508”. In addition, the reports cover a time range from one month before the initial introduction of the legislation until one month after it was signed into law. Although media coverage of the legislation surely continued after this point, such discourse is outside of the scope of this study, which specifically sought to understand the discourse during the period when the legislation was introduced, debated, and enacted. Lastly, we were also able to collect written committee testimony in North Dakota, which provided a rich opportunity for analysis of the ways that community members attempted to ensure that their voices were heard in the policy development process.

Data Analysis

Visual observation methods have been employed in previous research on how school boards develop policies related to issues of race and racism (Bertrand & Sampson, 2022; Daramola et al., 2023; Sampson & Bertrand, 2023). Using a structured video observation protocol (Erickson, 2006), we reviewed the full recordings of each hearing and took extensive field notes on the interactions, statements, and overall discourse. This procedure was followed by repeatedly reviewing segments of the recordings for more extensive analysis to better understand the latent assumptions embedded in the discourse. This observation protocol specifically focused on identifying phenomena of interest (i.e., deductive, theory-derived codes) from our conceptual framework, such as the neoliberal-multicultural imaginary (Dumas & ross, 2016), evidence of policy winners and losers (Young & Diem, 2017), Whiteness under assault (Hughey, 2014), and active resistance (Young & Diem, 2017).

After collecting a database of 91 news articles, each research team member was tasked with independently reviewing each news article to ascertain whether they contained relevant information regarding this study's aims. Once each research team member reviewed the reports and determined their relevance to the study, we then met to ensure agreement on individual determinations. Relevant, in this case, was determined by whether or not an article included direct quotes from actors involved in the policymaking process (i.e., community members, political leaders, civic organizations, and/or governmental staff) for each bill. This process was followed by developing analytic memos to reflexively make sense of the data (Saldaña, 2013) as contextual artifacts from the policy development timeline. In particular, our analysis focused on direct quotes from policy actors.

Lastly, we followed similar analysis methods for the policy documents included in this study. Documents were independently analyzed using deductive coding and analytic memos. The research team then met regularly to collectively make sense of our findings. These collaborative, peer-debriefing sessions (Creswell, 2007) were critical to our analysis process. Over nine months, we met frequently to discuss our analytic memos, refine our coding procedures, and reflect on our experiences throughout the data collection and analysis process. As two Black researchers and former K-12 educators, our reflections on these data were inherently rich as we drew upon our collective years of experience teaching what could have easily been described as “divisive concepts” in schools with significant Black student populations.

Limitations

As with all studies, this study does have some limitations. A particularly important limitation is that we chose not to interview actors involved in the policy development process. Instead, we relied on statements reported through media outlets and provided during committee hearings.

Additionally, as this study focused on the design, development, and motivations behind these laws, we did not examine their subsequent implementation. However, we hope that the work that we have done in this study will motivate researchers to continue to examine how these policies have been implemented and the impacts that they have had on the educational experiences of teachers and students, some of which have already been detailed by Pollock et al. (2022).

Findings

This study uses critical policy analysis to explore the role of antiblackness in education policy and how notions of antiblackness are evident in the policy development process for Texas's HB3979 and North Dakota's HB1508. In the following paragraphs, we explain how two themes, *policy as protection* and *the neoliberal-multicultural imagination*, are demonstrative of White rage in practice as these policies seek to protect White students from potential harms of race-related discourse and promote myths of meritocratic racial progress. The third theme of *predictability and political power* indicates the predictable nature of antiblackness in policy development, specifically detailing the sense of the inevitability of legislative success in both Texas and North Dakota.

Policy as Protection

Although there is an entrenched legacy of state-sanctioned violence against Black people in the United States (Gaynor et al., 2021; Love, 2016), the prevalence of anti-Black police violence was acutely illuminated during the summer of 2020. In rapid succession, Black people were attacked and murdered by police officers in several cases while being recorded, sparking widespread protests throughout the country (Carney & Kelekay, 2022; Taylor, 2016). These protests often culminated in specific policy demands such as defunding local police departments, severing ties with police departments at colleges and universities, and removing police officers from K-12 schools. While the perceptions of these policy demands have been mixed (Reny & Newman, 2021), it is clear that there was increased exposure to the endemic nature of antiblackness and racial injustice among White people in the United States.

According to legislators in both Texas and North Dakota, protecting students from heightened awareness of issues of race and racism in society was a primary catalyst for introducing HB3979 and HB1508. Representative Jim Kasper (R-North Dakota) characterized HB1508 as a bill supporting the rights of parents, explaining:

[This bill] is not about prohibiting freedom of speech, it's about protecting our kids, who, in the early ages of their school time, are vulnerable. I believe parents are the ultimate shepherd of their children and should stay that way.

This framing of HB1508 as a policy of protection continued as Rep. Kasper went on to share:

It's about protecting our kids, not about shielding them from learning. Not about shielding them from learning the facts, but protecting them from things at a certain age is, I believe, and I think most of you believe, are not appropriate to be taught and even discussed in some cases.

The primary sponsor for HB3979, Representative Steve Toth (R-Texas), described the motivation behind the bill as simple, "We send our kids to school to learn and to learn how to think critically, but we don't send them there to be indoctrinated." This argument was supported by Lieutenant Governor Dan Patrick (R-Texas), who explained that when "parents send their children to school, they want their students to learn critical thinking without being indoctrinated with misinformation charging that America and our constitution are rooted in racism." Lt. Governor Patrick's comments

illustrate a central theme observed throughout our analysis: the belief that children must be protected from educational efforts that are not in accordance with the White normative realities and depictions of our society, which in this case, was the threat of curricula would de-center these White supremacist truths and, instead, acknowledge the legacy and continuation of systemic racism in the United States.

As a result, both HB1508 and HB3979 included policy language that minimized any understanding of the systemic nature of racism. For example, HB1508 prohibits teaching aligned with critical race theory, defined as “the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systemically embedded in American society and the American legal system to facilitate racial inequality.” HB3979 extends this individualistic understanding of racism by forbidding any activity that teaches the concept that:

An individual, by virtue of the individual’s race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual’s race or sex.

Although the policy language in HB3979 is nominally race-neutral, a critical understanding of the racial and social hierarchies that are embedded into the structures of our society (Ladson-Billings & Tate, 1995) and the sociopolitical context when this legislation was developed explains how this language aims to protect White students from histories of race, racism, and antiblackness in America.

These actions can be acutely explained by Anderson’s (2016) assertion that the threat of Black progress or, in this case, simply the awareness of antiblackness in society will result in racialized, reactive policy development designed to maintain the racialized status quo. Furthermore, by explicitly including notions of bearing responsibility for previous actions committed by the same race and feelings of guilt for those same actions, policymakers engage in antiblackness by framing antiblack racial violence as anti-White bias that is not aligned with their understanding of America as a race-neutral, meritocratic society. The following section explains how the Summer 2020 protests helped shatter this myth, otherwise known as the neoliberal multicultural imagination.

Neoliberal-multicultural imagination

A critical framing that Dumas and ross (2016) offered in their theorization of BlackCrit in education was the understanding that “Blackness exists in tension with the neoliberal-multicultural imagination” (p. 430). The neoliberal-multicultural imagination is grounded in ideals of a post-racial society where structural racism no longer plays a role in determining the experiences and outcomes of racially minoritized people in the United States. Instead, due to the passage of civil rights legislation in the 1960s and subsequent attempts to codify anti-discrimination policies and practices within organizations, America now lives up to its ideals of liberty and justice for all (Dumas & ross, 2016). As Representative Steve Toth explained, “[HB3979] is a direct reflection of the 1964 Civil Rights Act. It echoes Dr. King’s wish that we should judge people on the content of their character, not their skin.”

As Texas and North Dakota policymakers debated HB3979 and HB1508, they consistently relied on framings from the neoliberal-multicultural imagination. In fact, this understanding of America as a meritocratic society with equal opportunity and access for all was a defining feature of the rationale for passing these legislative acts. For example, while introducing HB3979, Representative Steve Toth (R-Texas) framed the bill as being “about teaching racial harmony by telling the truth that we are all equal, both in God’s eyes and our founding documents.” This notion

of what can be considered ‘truth’ in curricula also featured prominently in this discourse, as Representative Jim Kasper (R-North Dakota) explained:

I loved history in high school, and I believe that our kids should be taught the truth about the history of our nation and of our states, but when the truth begins to get blemished or begins to be tarnished within a curriculum or a goal of certain groups, maybe not in our state but across the nation, then I think it’s time to stop. But, the true history of our country - going back with our blemishes and everything—I totally believe that we should teach that, but we need to be careful about how we teach it. We need and want—and I think most teachers, maybe all teachers would want to bring the truth out—but there are some areas that we need to say don’t go where the truth isn’t.

By this logic of “truth” in history curricula, discussions of the history of systemic racial injustice, let alone present-day manifestations of racial injustice, are inappropriate in schools. Proponents of these legislative actions aimed to reclaim a false narrative of racial progress (Seamster & Ray, 2018) that seemed to be slipping from the dominant discourse in the wake of heightened awareness of antiblackness in society after the Summer 2020 protests. Speaking in support of HB3979 and about the founding documents, state Senator Bryan Hughes (R-Texas) shared:

When those words were written, unless you were a White, property-owning male, you did not enjoy the full benefits of citizenship in America. That is how it was. We are not proud of that, but that is the truth. But aren’t you glad that American history has been about expanding that circle of liberty? To bring more people into the protection of laws, the full enjoyment of the American dream. Are we there yet? Of course, we’re not there yet. But we want to do our part to preserve this system, and yes, talk about our history, warts and all, but talk about it truly and accurately.

To this end, Texas legislators included language in HB3979 that deliberately sought to position systemic, antiblack racial injustices as mere deviations from the arc of racial progress in America. HB3979 specifically instructs educators not to include in their teachings any concepts that may explain that “slavery and racism are anything other than deviations from, betrayals of, or failures to live up to, the authentic founding principles of the United States, which include liberty and equality” (Education Week, 2021).

Predictability and Political Power

While the state legislators in Texas and North Dakota were ultimately responsible for the passage of HB3979 and HB1508, we must also highlight how community members were similarly engaged in conceptualizing this legislation. Those in favor of passing this legislation tended to be conservative parent groups and conservative legislators, who themselves regularly relied on the moral high ground of doing this work to support parents’ rights. For example, Rep. Kasper (R-North Dakota) explained:

One of the handouts that I provided to the committee is testimony in support of House Bill 1508 [is] from a mother in Fargo wherein she cites examples of her children in the Fargo school system in discussions with her and, in some instances bringing home items that they received in the classroom, which appears to me without having seen them, to fall in the area of pitting races against each other, ethnicities against each other, and so on. That’s what this bill is all about. It’s not about prohibiting freedom of speech, it’s about protecting our kids, who, in the early

ages of their school time, are vulnerable. I believe parents are the ultimate shepherd of the children and should stay that way.

Similarly, written testimony provided to the North Dakota Joint Technical Corrections Committee from a North Dakota parent stated:

I believe it is God who has entrusted each child to their set of parents, and it is the parent's responsibility to teach their children about their faith, beliefs, viewpoints, and theories, not the public school. I am in support of recognizing parents as the chief stakeholders of the future and education of their children. I am in support of prohibiting the teaching of critical race theory in the public schools.

This rhetoric only further reinforces the economic and neoliberal conceptions of parents and their role within this imagined race-neutral free marketplace (Clark, 2022; Rubin et al., 2020). In this structure, parents are depicted as consumers, all with the same power and ability to shape the educational market as they see fit. However, the reality is that "parents' rights" have traditionally been oriented around the experiences, beliefs, and interests of White parents. Unfortunately, many White parents have become instruments, knowingly or unknowingly, for neoliberal (i.e., race-evasive, meritocratic) reformers to perpetuate a fundamentally inequitable educational system.

Importantly, not all North Dakota parents were in favor of HB1508 becoming law. For example, Anita Casey-Reed, identified in her testimony as a Bismarck, North Dakota parent, shared her opposition to HB1508 by explaining:

I think that the bill to prohibit the teaching of critical race theory in public schools is misguided and therefore should not be passed. First, critical race theory is a framework used in legal studies, not in K-12 history, so this seems to be a law without applicable use. Second, if such a bill is to be considered by the legislature, then it should be given time and consideration in a standard session, not in a special session designated to discuss redistricting for the next decade and to discuss the use of COVID relief funds. Third, if this bill is attempting to prohibit the teaching of history that includes instances of racism in our nation's past, I think it is micromanaging in a way that borders on censorship and, as such, should not pass.

Community members in Texas were similarly divided about the passage of HB3979. Jonathan Feinstein, Texas state director of the Education Trust, explained:

Not talking about racism and other forms of injustice won't make them go away. This unnecessary bill—like others introduced across the country—prevents schools from proactively addressing harmful acts of discrimination, ties the hands of teachers rather than supporting them, and seeks to hold students back from grappling with and helping to solve real challenges facing our society.

Rep. Jarvis Johnson (D-Texas) described HB3979 as tyranny, stating, "We have come to this body and have made the decision to tell our teachers how and what to teach. There is not one agency that has compelled a teacher to teach critical race theory, so this author literally is legislating nothing—an overreach of power."

Despite such impassioned statements demonstrating active resistance, political power dynamics in both Texas and North Dakota ultimately sealed the fate of HB3979 and HB1508. After hours of debate in committee hearings and on the statehouse floors, both pieces of legislation passed with overwhelming support from conservative legislators who championed the bill's potential

effects. Rep. West (D-Texas) put it most simply, stating, “Republicans are going to vote for this, and it's going to be a partisan vote like many of the votes we have taken in here. Well, so be it.” Ironically, this anticlimactic ending of the policy development process could have been predicted by critical race theorists whose work these policies aim to ban. As their scholarship explains, the American legal system remains ill-equipped to address issues of racial equality for Black people meaningfully and primarily operates to maintain the status quo of White supremacy (Bell, 1992; Harris, 1993).

Discussion

Anderson (2016) explains that “White rage is not about visible violence, but rather [about how] it works its way through the courts, the legislatures, and a range of government bureaucracies” (p. 19). Our analysis illustrates how the forces of influence for HB3979 and HB1508 can be traced back to the polarizing political and racial climate in the United States leading up to, during, and following the Summer of 2020. In doing so, our findings demonstrate how these policies were predictable manifestations of White rage (Anderson, 2016) in opposition to the potential for Black progress that was expressed throughout the various protests in the aftermath of the murders of George Floyd and Breonna Taylor.

Our findings also exemplify the ways that neoliberal logics can be weaponized to maintain the myth of meritocracy and racial progress in American society. Policymakers employed language specifically claiming that they aimed to protect children from indoctrination in schools (i.e., students learning about systemic racism in society). This framing positioned equity-focused teachings about the role that race and racism continue to play in society as abnormal or deviant from normative beliefs about racial equality in our society. In fact, the Chairman of the Texas Republican Party during the development of HB3979 was Allen West, a Black, former Republican congressman from Florida who unequivocally supported this legislation, explaining that critical race theory “erodes the fundamental premise of America, namely, equality of opportunity, and replaces it with equity, to be achieved by equality of outcomes” (Republican Party of Texas, 2021). It is ironic that some leaders claimed that schools should focus on developing students’ critical thinking skills instead of indoctrination attempts (i.e., teaching about racism), particularly because these censorship policies limit access to the primary documents and analytical dialogues that students would need to fully, and critically, explore America’s racial history.

Lastly, policies such as HB3979 and HB1508 position conservative, often White, parents and community members as educational experts by virtue of their role as parents while ignoring the policy preferences of parents, teachers, and community members who fundamentally believe in anti-racist, equity-oriented teaching. A growing body of educational research demonstrates the ways in which neoliberal reform efforts, backed by parents’ rights organizations have historically benefitted and catered to White families at the expense of Black families and their communities (Clark, 2022; Dumas, 2016; Rubin et al., 2020). For example, Clark (2022) explains that the contemporary movement for parents’ rights has argued for the protection of all innocent children against indoctrination, regardless of color, while supporting color-evasive policies that are only conscious of Whiteness and concerned with the liberties of White parents and their children. Despite the claims that parents are overwhelmingly against teaching “divisive concepts” in schools, recent survey research explains that Americans broadly support teaching about race and racism in schools, albeit with some significant divergence based on grade level (Polikoff et al., 2022). Consequently, the concept of parents’ rights, writ large, has been racially weaponized to protect and uphold Whiteness, exemplifying Harris’s (1993) concept of Whiteness as a property to be protected at all costs.

Implications for Policy Resistance

The endemic nature of racism and antiblackness in society (Bell, 1992) and, in turn, education policy (Dumas, 2016) suggest that the struggle for racial justice is one that will continue to be fought in perpetuity. Writing in support after North Dakota's passage of HB1508, the Starkweather Public School District Superintendent demonstrated how far this policy divide remains, sharing:

Racial injustice has been pushed by a political ideology—not a race of people. *There is no systemic racism in America created by our Founding Fathers*—the racism is the project of the godless Democrat party that has rejected god, family, faith, and America and embraced secularism in the form of Marxism. (Turley, 2021)

Although our analysis in this study solely focuses on legislative actions in Texas and North Dakota, similar policies continue to circulate throughout the United States. For example, in November 2021, Virginia Governor Bill Youngkin was successfully elected in part due to his adoption of similar arguments against indoctrination in schools and (White) parents' rights (Bell, 2021). His first executive order, enacted immediately upon being sworn in, used identical language embedded in HB1508 and HB3979, which bans concepts that teach:

(vi) an individual, by virtue of his or her race, skin color, ethnicity, sex, or faith, bears responsibility for actions committed in the past by other members of the same race, ethnicity, sex, or faith (vii) meritocracy or traits, such as a hard work ethic, are racist or sexist or were created by a particular race to oppress another race.

If we understand that policymakers will continue to put forth and implement similar policies, it then becomes imperative that community members, researchers, and policymakers committed to justice and liberation for Black people be equipped with the tools and strategies necessary to disrupt these actions. As we reflect on the implications of our findings, we are guided by one question: What does the passage of HB1508 and HB3979 mean for the critical education of/for Black people in policy spaces determined to deny the realities of structural racism and antiblackness? In response, we promote the following recommendations.

Strategies of Resistance against Antiblackness in Education Policy

Education scholars have recently demonstrated the various strategies that communities of color have utilized at the local level to attempt to disrupt inequitable policymaking efforts (Bertrand & Sampson, 2022; Sampson & Bertrand, 2023). Bertrand and Sampson (2022) specifically explain how counterstorytelling, intertextual co-optation, and civil disobedience can be employed to push back against racially oppressive practices during the policymaking process. We highlight these strategies as essential tools that those aligned with Black liberation can potentially use in state legislative hearings and other policy spaces where future policy actions are under consideration. While these actions may not always be successful in stopping discriminatory policy actions from being enacted, the defeats of HB1134 and SB167 in Indiana offer a glimmer of hope that passage of these bills does not have to be a foregone conclusion. Although there is a conservative legislative supermajority in Indiana, the proposed legislation, built on the same concepts as HB3979 and HB1508, was ultimately defeated through collective action by a broad coalition of community members, including civic groups, teachers, parents, and businesses (Wang & Appleton, 2022). Community members in similar states should explore the strategies used in Indiana and replicate those that might lead to success within their community contexts.

Black Fugitivity in Education

We also recognize that Black families have long faced hostile attempts by state and local policymakers to deny them equal educational rights and opportunities (Walker, 2018). Additionally, as Black families have attempted to secure intellectually stimulating and physically and emotionally safe learning spaces for their children, in many cases, good choices in this perpetually anti-Black society remain few and far between (Posey-Maddox et al., 2021). Moreover, as state and local governments continue their attempts to limit discussions of race and racism in schools, “good” options are sure to dwindle even further. Although the temporal context may differ, we return to Du Bois’s (1935) foundational scholarship in this area, questioning whether the education conservative policymakers aim to embed in K-12 schools is worthy of Black students. We believe that it is not.

Therefore, we amplify existing scholarship on Black fugitivity in education (Givens, 2021; Mims et al., 2022; Warren & Coles, 2020), specifically soliciting future researchers to be co-conspirators working in partnership with Black people (Love, 2020) to develop fugitive spaces where the rich legacy of Black people and Black resistance are celebrated rather than denigrated. Stovall and Moseley (2023) remind us that Black fugitive spaces are about more than the absence of White people or anti-Black structures. Instead, these spaces are centered around collective dreaming, healing, and, ultimately, Black liberation.

Conclusion

Since the passage of HB3979 in Texas and HB1508 in North Dakota, the neoliberal-multicultural agenda has continued to thrive in both states, which has only resulted in the expansion of efforts to limit discussions of race and racism in schools. For example, Texas legislators have continued to propose a string of educational censorship policies, including SB3, which built on HB3979 by further constraining educators from teaching the truth about American history (Mizelle, 2021), and HB1607, which aims to ban CRT from being taught at public universities and institutions of higher education (Brager, 2023; Medeiros, 2023). These types of efforts have led to curriculum changes as well as instructional practice and funding shifts at both the K-12 and postsecondary levels (Brager, 2023; Medeiros, 2023), causing frustration and anxiety for many teachers (Najarro, 2022). Similarly, in North Dakota, there have been increasingly restrictive measures on course curriculum and instruction. The state is also currently on track to pass more anti-LGBTQ+ legislation than any other state (Peele, 2023), which, if successful, would disproportionately impact and potentially harm Black LGBTQIA+ students (Reid, 2022). However, these continued efforts are not exclusive to Texas and North Dakota.

For many states, these educational censorship policies have been used as a tool to intimidate, penalize, and push out teachers in an effort to continue upholding White supremacist, race-evasive, and revisionist narratives regarding race and racism in America (Clark, 2022; Ray & Gibbons, 2021; Walker, 2022). Since the beginning of data collection for this study, more than a dozen states have successfully enacted legislation similar to HB3979 and HB1508. Additionally, local boards of education have advocated for expanding these educational censorship policies through book bans and social-emotional learning programs in the name of “fighting critical race theory” (Anderson, 2022). Furthermore, policymakers at both state and local levels have continued to develop regressive policies related to LGBTQIA+ students, making it clear that opponents of equity and justice remain steadfast in their efforts to maintain power asymmetries in the United States.

The prevalence of these policy actions affirms the need to develop anti-racist, equity-focused coalitions and critical policy counternarratives. As these efforts continue to spread throughout the nation, it is important to remember that their victory is not a foregone conclusion. While racial

equity and justice for all Black people remain elusive, we who care deeply about the lives, experiences, and outcomes of Black people must remain equally as steadfast in our commitment and continue to dream of and work toward the future Black children deserve.

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