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Curriculum Wars: A Critical Policy Analysis of K-12 Critical Race Theory Bills in State Legislatures in the United States

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Abstract: The 2017 inauguration of Donald J. Trump sparked polarizing policies, notably Executive Order 13950's stance on "combating race and sex stereotyping." Using critical policy analysis, we examined 290 state legislature bills from 2017–2022 to compare strategies affecting discussions on racism, bias, and contributions of racial or ethnic groups in public K-12 education. We explored how state-level policymakers wielded power through legislative

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policy framing and the redistribution of knowledge and resources. Although most bills (74.6%) designed to restrict these discussions failed, were withdrawn, or expired, legislators notably used them to hinder open discourse in educational settings. Our comparative analysis identified only 12 formally introduced legislative efforts in support of these discussions, contrasted with 278 restrictive bills. This orchestrated effort, primarily driven by well-funded, far-right conservative noneducators, may not align with broader public sentiment. Our analysis underscores the urgent need for practice, policy, and research recommendations to counter this ongoing political campaign and ensure equitable and inclusive education for all.

Keywords: critical policy analysis; critical race theory; curriculum; educational leadership

Guerras curriculares: Un análisis crítico de políticas sobre proyectos de ley de teoría crítica de la raza en la educación K-12 en las legislaturas estatales de Estados Unidos

Resumen: La inauguración de Donald J. Trump en 2017 dio lugar a políticas polarizadoras, destacando la Orden Ejecutiva 13950 y su postura sobre la “lucha contra los estereotipos de raza y género.” A través del análisis crítico de políticas, examinamos 290 proyectos de ley estatales entre 2017 y 2022 para comparar estrategias que afectan las discusiones sobre el racismo, los prejuicios y las contribuciones de grupos raciales o étnicos en la educación pública K-12. Exploramos cómo los legisladores estatales ejercieron el poder mediante el encuadre legislativo de políticas y la redistribución del conocimiento y los recursos. Aunque la mayoría de los proyectos de ley (74,6 %) diseñados para restringir estas discusiones fracasaron, fueron retirados o expiraron, los legisladores los utilizaron notablemente para obstaculizar el discurso abierto en los entornos educativos. Nuestro análisis comparativo identificó solo 12 esfuerzos legislativos formalmente introducidos en apoyo de estas discusiones, en contraste con 278 proyectos de ley restrictivos. Este esfuerzo orquestado, impulsado principalmente por conservadores de extrema derecha bien financiados y ajenos al ámbito educativo, puede no reflejar el sentir de la mayoría del público. Nuestro análisis destaca la urgente necesidad de recomendaciones en la práctica, la política y la investigación para contrarrestar esta campaña política en curso y garantizar una educación equitativa e inclusiva para todos.

Palabras-clave: análisis crítico de políticas; teoría crítica de la raza; currículo; liderazgo educativo

Guerras curriculares: Uma análise crítica de políticas sobre projetos de lei de teoria crítica da raça no ensino K-12 nas legislaturas estaduais dos Estados Unidos

Resumo: A posse de Donald J. Trump em 2017 deu origem a políticas polarizadoras, destacando-se a Ordem Executiva 13950 e sua postura sobre o “combate a estereótipos de raça e sexo”. Por meio da análise crítica de políticas, examinamos 290 projetos de lei estaduais de 2017 a 2022 para comparar estratégias que impactam discussões sobre racismo, preconceitos e as contribuições de grupos raciais ou étnicos na educação pública K-12. Exploramos como os legisladores estaduais exerceram poder por meio da formulação legislativa de políticas e da redistribuição de conhecimento e recursos. Embora a maioria dos projetos de lei (74,6%) destinados a restringir essas discussões tenham falhado, sido retirados ou expirado, os legisladores os utilizaram significativamente para dificultar o discurso aberto em ambientes educacionais. Nossa análise comparativa identificou apenas 12 esforços legislativos formalmente introduzidos em apoio a essas discussões, em contraste com 278 projetos de lei restritivos. Esse esforço orquestrado, impulsionado principalmente por conservadores de extrema-direita bem financiados e sem vínculo com a área educacional, pode não refletir o sentimento público mais amplo. Nossa análise ressalta a necessidade

urgente de recomendações práticas, políticas e de pesquisa para enfrentar essa campanha política em andamento e garantir uma educação equitativa e inclusiva para todos.

Palavras-chave: análise crítica de políticas; teoria crítica da raça; currículo; liderança educacional

Curriculum Wars: A Critical Policy Analysis of K-12 Critical Race Theory Bills in State Legislatures in the United States

Donald J. Trump's inauguration in 2017 marked the revival of deeply divisive policies and political strategies rooted in racial and social polarization (S. Clark, 2020; Farley et al., 2021; Horsford, 2018). His administration employed tactics reminiscent of the "Southern Strategy," an electoral strategy once used by both Democratic and Republican administrations, including Goldwater, Nixon, Reagan, and Clinton (Haney-López, 2014). This strategy combined "ideas about the role of government in the economy, women's place in society, white evangelical Christianity, and white racial grievance" (Maxwell, 2019, para. 3), deliberately targeting specific racial, immigrant, and religious groups as sources of societal problems to secure political support (S. Clark, 2020; Maxwell, 2019; McClain, 2021). Trump's rhetoric stoked fear of immigrants from Africa, Central America, Mexico, and Muslim-majority countries, as well as Black and Brown communities. This fear mobilized a voter base of White evangelical and working-class voters who felt threatened by changing demographics and perceived threats to their privileges (S. Clark, 2020; López & Sleeter, 2023; Maxwell, 2019; McClain, 2021).

Trump's base, fearful of losing its political influence and societal status, found a powerful legislative vehicle in Executive Order 13950: Combating Race and Sex Stereotyping, issued in 2020, which reignited debates over critical race theory (CRT) in education (Horsford, 2018; López & Sleeter, 2023; McClain, 2021; White, 2022). This order, followed by a surge of bills in 48 states, sought to control education on systemic racism, bias, and the contributions of marginalized groups to U.S. history. The resulting bills have targeted conversations, curriculum, and materials about race, sex, sexuality, and U.S. history (Alexander et al., 2022; Friedman & Tager, 2022; White, 2022). These legislative battles have profound implications for public education, because they determine whose histories and perspectives are included in or excluded from public school curricula (Friedman & Tager, 2022; White, 2022).

Study Purpose and Research Questions

Through this critical policy analysis (CPA), we aimed to understand how state legislators use legislative actions to influence the distribution of knowledge and resources in K-12 public schools. We define the distribution of knowledge as legislative control, or censorship, of curriculum content, textbooks, materials, and discussions on systemic racism, bias, and the contributions of racial or ethnic groups to U.S. history. These legislative actions dictate not only what is taught but also determine which forms of knowledge are deemed "official," while marginalizing or excluding alternative perspectives that challenge dominant narratives (Apple, 2019). While recognizing the state's role in regulating public education, we critically analyze how legislative strategies either support or restrict education on these topics. Our central research question was: How is state action used to redistribute knowledge and resources through bills that restrict or support education on systemic racism, bias, and the contributions of specific racial or ethnic groups to U.S. history in K-12 schools? Using CPA as the primary analytic framework, we analyzed how power dynamics are embedded in these legislative actions. CPA allowed us to explore the role of state actions in the redistribution of both resources and knowledge (Apple, 2019; Diem et al., 2014; Gillborn, 2005). By

using CPA, we aimed to reveal how power structures inherent in policy decisions affect the inclusion of marginalized groups in educational curricula.

To address our research question, we compared bills introduced in state legislatures across the United States from 2017–2022. We analyzed the text of formally introduced and enacted bills to uncover and document the strategies used in both clusters—those that supported and those that restricted education on systemic racism, bias, and contributions of racial or ethnic groups to U.S. history. By examining the framing and strategies used, we sought to understand the underlying mechanisms of advocacy and restriction, regardless of the legislators’ understanding of or ideological positions on CRT. In the next section, we explore prior research that informed our understanding of the impact of legislative actions on ensuring that all students have access to a comprehensive and inclusive curriculum that acknowledges and addresses systemic issues.

Related Literature: Impact of Legislative Strategies on Social Justice in Education

Legislative strategies have historically played a pivotal role in shaping educational policies and determining how knowledge and resources are distributed in schools. Educational policies are not created or enacted in isolation; instead, they develop in a complex, interconnected network of federal, state, and local policy environments (Bowe et al., 2017; Young & Diem, 2017). At each level, policies are interpreted, adapted, and resisted based on local political and social realities (Honig & Hatch, 2004). In this nested policy context, schools are tasked with “crafting coherence,” a process that involves negotiating external pressures, aligning internal goals, and ultimately fostering educational equity (Honig & Hatch, 2004). However, schools often face difficulties in balancing broad mandates with the specific needs of their communities, especially when policies fail to account for the diversity of local contexts. This ongoing tension complicates efforts to foster equitable education across the country.

Leadership Challenges in an Evolving Educational Landscape

In this nested policy environment, state control plays a central role in interpreting and implementing federal mandates, like the No Child Left Behind (NCLB) Act of 2002 and the Every Student Succeeds Act (ESSA) of 2015. From a CPA perspective, NCLB and ESSA represent broader neoliberal shifts in education, prioritizing market-driven approaches to education (Douglass et al., 2018; Heilig et al., 2018). These policies focus heavily on measurable outcomes, often neglecting the structural inequities that shape the educational experiences of marginalized students (Douglass et al., 2018; Heilig et al., 2018; Lewis, 2020; Lipman, 2013). Although these reforms place pressure on school leaders to comply with high-stakes testing and accountability measures, this compliance does not necessarily equate to meeting the needs of culturally and linguistically diverse students.

In fact, research has demonstrated that the rigid focus on accountability metrics often overlooks the unique challenges facing these students, who require more than standardized approaches to achieve equitable educational outcomes (Galloway & Ishimaru, 2020; Khalifa et al., 2016; Lewis, 2020). Scholars argue that to address the systemic issues, educational leaders must go beyond compliance and develop culturally responsive school leadership (Khalifa et al., 2016); linguistic equity (Callahan et al., 2019); family, school, and community connections (Galloway & Ishimaru, 2020; Green, 2017); heightened critical consciousness and racial literacy (Horsford, 2014, 2018); anti-racist leadership (Diem & Welton, 2020); and inclusion of diverse perspectives to meet the needs of culturally and linguistically diverse students (Lewis, 2020; López & Sleeter, 2023). Such strategies are essential for overcoming the limitations of restrictive federal and state policies that

prioritize outcomes without addressing the underlying inequities that disproportionately affect the success of marginalized students. While educational leaders are striving to implement inclusive practices that meet the diverse needs of their students, state legislatures across the country have increasingly passed laws that restrict discussions of race, gender, and sexuality, mirroring the same top-down, policy-driven control that emphasizes compliance over critical engagement with social issues (McQuillan et al., 2024; York et al., 2024).

Balancing External Pressures and Cultivating Equity

The enactment of Trump's Executive Order 13950 and the subsequent political campaign targeting equity initiatives have complicated efforts to foster inclusive educational environments and caused significant disruptions in educational settings (Rogers et al., 2024). The issuance of Executive Order 13950 in 2020 occurred amid heightened racial tensions and widespread protests against systemic injustices following the killings of unarmed Black individuals by law enforcement (Brake, 2024). The order undermined widespread anti-racist initiatives across sectors, including education, at a critical time of racial reckoning (Alexander et al., 2022; Brake, 2024). Following the summer of 2020, a surge in resources and knowledge occurred through:

pledges of support for greater diversity, equity, and inclusion (DEI) across corporate America and beyond. Companies scrambled to voice their support for Black Lives Matter and created and filled new positions for chief diversity officers. They announced their commitment to increasing their efforts to hire and retain more people from underrepresented, underprivileged, underappreciated segments of the population. (Gaudiano, 2022, para. 1)

Indeed, diversity and racial bias training in corporate America, education, and beyond became ubiquitous during this time (Norwood, 2021). Many organizations hired experts specializing in anti-racism, diversity, equity, and inclusion or relied on their books for training programs and discussions. Elementary and secondary students engaged with issues like police brutality, racism, and bias in their school environments (Bissell, 2023, p. 214). Recognizing the significance of these topics and their impact on students, school administrators responded by fostering discussions, considering them essential learning experiences (Bissell, 2023).

However, the executive order framed diversity and anti-bias training as harmful to White families, creating perceptions of an “anti-parent movement” among certain parents, who feel they are losing control over the content taught in schools (L. B. Clark, 2023). The political campaign against CRT is not about the legal analytic framework but rather a strategic move by a minority of far-right conservative groups that have concentrated their efforts in predominantly White contexts undergoing demographic shifts, resulting in more racially and culturally diverse communities (López & Sleeter, 2023; Wallace-Wells, 2021). Subsequently, CRT has become the focal point for equity-related conversations, curriculum, and efforts in public schools, encompassing anti-bias training, land acknowledgments, anti-racism, culturally responsive teaching, socioemotional learning, social justice, and more, with national, state, and local implications (Farley et al., 2021; Ladson-Billings, 2021; López & Sleeter, 2023; McClain, 2021; White, 2022).

Thus, at a climactic time of racial reckoning and broader public awareness of and protest against systemic injustices, particularly among White Americans (S. Clark, 2020; Harmon & Tavernise, 2020; Norwood, 2021; Parker et al., 2020), the Trump administration issued this executive order as a display of power, undercutting wide-sweeping and multiracial anti-racist efforts across systems and industries to address racial inequalities (Alexander et al., 2022; Brake, 2024; López & Sleeter, 2023). Although this order was later rescinded, its impact underscores the ongoing struggle between equity efforts and the political resistance to systemic change. These pressures have

profound implications for school leaders, who must balance compliance with national policies and the need to foster inclusive, antiracist environments that meet the diverse needs of their students.

Critical Race Theory and Far-Right Conservative Backlash

The ongoing debates surrounding CRT must be understood in this larger, interconnected policy environment and its broader implications for fostering inclusive educational spaces. Legislative efforts to restrict CRT are not simply about controlling curricula or textbooks; rather, they represent a strategic push to censor discussions about systemic racism, which are essential for building educational systems that acknowledges and addresses structural inequalities (López & Sleeter, 2023; McQuillan et al., 2024). The conservative backlash against CRT has been strategically broadened to include discussions on race, gender, and LGBTQIA+ issues, framing these topics as divisive, harmful, and part of a liberal political agenda (Allen, 2020; McQuillan et al., 2024). Although some cases involve outright bans, many restrictions instead censor these discussions, allowing them only in specific, controlled parameters. This framing reflects a longstanding pattern in U.S. education policy that seeks to control narratives surrounding race, identity, language, and social justice (Gutierrez et al., 2002). By casting CRT as a societal threat, these efforts constrain opportunities for inclusive dialogue and reinforce dominant ideologies that uphold White-centered perspectives.

During the past three decades, legislative efforts such as anti-ethnic studies, English-only laws, pushback against particular pedagogies and standards, and the most recent revival of book banning have been used to regulate and limit what is taught in classrooms (Gutierrez et al., 2002). These policies collectively aim to maintain control over whose histories and experiences are included in the curriculum, often excluding culturally diverse voices. A notable example is the anti-ethnic studies movement in Arizona, where Mexican American studies were banned. This decision set a precedent for broader efforts to restrict ethnic studies programs across the nation (Acosta, 2019; Cammarota, 2017). Although the ban was repealed in 2017, it exposed the deep-seated resistance to teaching histories that center marginalized communities. Similarly, the push for English-only laws reflects another dimension of policy control. The conflict between state and federal education language policies dates back to the 1960s (Bilingual Education Act, 1968), when the federal government showed support of bilingual education programs. These conflicts often center on fears of power shifts away from mainstream, English-speaking ideologies, illustrating how language policy can reinforce cultural and linguistic hegemony (Callahan et al., 2019; Heineke & Davin, 2020).

Education policies have long been used to preserve dominant cultural ideologies (Gillborn, 2005), suppressing dissenting voices and narratives (Cammarota, 2017; Gutierrez et al., 2002). This is illustrated in state educational policies that are resistant to standards that include leadership and pedagogical approaches critically examine race and inequality (Heilig et al., 2012). Such policies further expose the relationship between policy and power, wherein education is used as a tool to reinforce the status quo and prevent critical engagement with race, identity, and inequality (Heilig et al., 2012). This trend has become even more pronounced with the resurgence of book banning. The 2021–2022 school year saw a significant increase in book banning across U.S. schools districts compared to any other previous year in public education, reflecting broader political and cultural struggles over educational content (Goncalves et al., 2024). Book banning is not a new practice in policy; however, due to the sociopolitical landscape of recent public education, it is significant to contextualize the recent rise in book banning with power plays in policy (Goncalves, et al., 2024). One important component of modern book banning is the relationship between local parent organizations and large national movements (Goncalves et al., 2024). Local parent organizations, often backed by national movements, play a crucial role in pushing for these bans, demonstrating how policy traction can be gained at local, state, and federal levels (Oltmann, 2023).

The current legislative pushback against CRT mirrors these historical efforts, reflecting a coordinated attempt to suppress dissenting voices and limit discussions that challenge dominant, White-centric narratives in education. By casting CRT as a harmful and divisive ideology, these efforts aim to maintain control over how race is discussed in U.S. classrooms, shielding institutions and individuals from accountability for systemic racial harm. The authoritarian nature of this backlash is further evidenced by the legal threats and punitive actions targeting educators who teach about race and inequality, which is a form of state repression that punishes those who challenge systemic oppression (Jackson, 2024). This strategy, antithetical to America's values of liberty and justice, demonstrates how far conservative forces will go to preserve ideological dominance over the narrative of America's racial history. By examining the complex systems in which these policies are implemented, it becomes clear how policy frameworks have been used as tools to maintain hegemonic control over educational content.

Ultimately, these legislative strategies at state and local levels, from restricting CRT to imposing English-only laws and banning ethnic studies, consistently reinforce White-centric narratives, marginalizing the experiences of historically oppressed communities. Local school boards, often influenced by broader national and state directives, have also become key battlegrounds, with policies driven by political opposition to equity initiatives (LoBlue & Douglass, 2023). These external pressures on school leaders, exacerbated by Trump's executive order and subsequent coordinated efforts to censor or ban equity initiatives, have far-reaching implications for educational equity and justice. Through a CPA lens, it becomes evident that these legislative strategies are politically motivated attempts to maintain ideological dominance in education. By critically analyzing these policies, we can develop effective, concrete, and sustainable solutions to the systemic challenges school and district leaders face, ensuring a more inclusive and just educational system.

Analytic Framework: Critical Policy Analysis

CPA served as this study's analytic and methodological framework, providing a nuanced lens to examine how state actions redistribute knowledge and resources in public K-12 schools through legislative measures. CPA's interdisciplinary nature encompasses various definitions and approaches (Young et al., 2024). This allows scholars to draw from various critical theoretical perspectives, including critical feminist theory (Mansfield et al., 2014), queer theory (O'Malley & Long, 2017), CRT (Welton et al., 2023), critical discourse analysis (Castro et al., 2022), and others. This diversity allows for a comprehensive approach to policy analysis, offering a methodological pluralism that provides the flexibility to use various methods and perspectives. This can be particularly useful in a complex analysis of legislative and policy efforts (Diem et al., 2014; Turner et al., 2024).

Unlike conventional (positivist-oriented) approaches to policy analysis, which often assume that policy decision-making results from a deliberate, value-free, and rational process, CPA recognizes that policies are deeply embedded in power dynamics and ideological contexts (Apple, 2019; Diem et al., 2014; Douglass et al., 2018; Gillborn, 2005; Young & Diem, 2017). A CPA lens views policies as historical and present-day reflections of power, privilege, values, and ideologies. This perspective makes it vital to understand how policies can reproduce or redress social injustices and inequalities (Turner et al., 2024; Young et al., 2024).

CPA is particularly effective in examining power dynamics and critiquing unquestioned ideological underpinnings of policies. It provides insights into the broader historical, social, political, and economic contexts that shape educational legislation (Apple, 2019). CPA also has a transformational intent (Diem & Brooks, 2022), whereby analysts aim to change inequitable conditions by exposing systems of power and challenging taken-for-granted assumptions (Gillborn,

2005). This approach ensures that the voices and experiences of those most affected by the studied policies are centered in the analysis (Apple, 2019). Those who engage in CPA typically emphasize transparency and activism, making the researcher's stance explicit and aiming to influence and generate just policy and practice (Diem & Brooks, 2022; Horsford et al., 2018) and hold those in power accountable (Horsford et al., 2018).

How CPA Informed Our Research Process

In their landscape analysis of CPA in education, Young and Diem (2017) identified five critical concerns emphasized by CPA scholars: (a) “difference between policy rhetoric and practiced reality”; (b) “policy, its roots, and its development (e.g., how it emerged, what problems it was intended to solve, how it changed and developed over time, and its role in reinforcing the dominant culture”; (c) “distribution of power, resources, and knowledge” and “policy ‘winners’ and ‘losers’”; (d) “social stratification and the broader effect a given policy has on relationships of inequality and privilege”; and (e) “nature of resistance to or engagement in policy by members of non-dominant groups” (p. 4).

In this study, we used CPA as the analytic lens, focusing on the concerns of “distribution of power, resources, and knowledge” and “policy ‘winners’ and ‘losers’” (Young & Diem, 2017, p. 4). Using CPA as our framework allowed for a broader examination of formally proposed bills in state legislatures to understand how state actions can control behavior and determine who benefits from these policies. We sought to identify who holds power, who sets the rules, and how legislation determines policy “winners” and “losers” (Young & Diem, 2017). We identified the problem of how state legislation affects the distribution of knowledge and resources in K-12 education and situated this issue in its larger political, social, and cultural contexts. We framed our research questions to explore power dynamics and the potential impact of these legislative efforts on marginalized communities. We critically interpreted the findings through CPA to uncover power dynamics and ideological assumptions driving these legislative measures. This informed our recommendations, emphasizing the need for just and equitable educational reforms.

Using CPA as our analytic framework, we focused on legislative efforts affecting education on systemic racism, bias, and contributions of racial and ethnic groups to U.S. history in public K-12 schools. This approach ensured that a critical understanding of power dynamics and the broader sociopolitical context of education policy deeply informed the entire research process, from problem identification to recommendations.

Method

In this section, we detail our research team's positionality, data collection, data analysis, and interpretation processes, all informed by the CPA framework to support our critical examination of legislative texts.

Research Team Positionality

Aligned with CPA, it is essential to share the positionality of our research team and the subjectivities we brought to this work. Our team features members from diverse professional backgrounds, including an education faculty member in higher education, a vice president of leadership development of an urban charter school management organization, a senior counsel, a manager of equity programs in a large public school district, and a graduate student. We are also critical scholars with diverse epistemological roots, including CRT, Xicana feminista, African American and African studies, DisCrit (disability studies and CRT), critical discourse analysis, and queer theory. As critical scholars, we reject notions of objectivity, neutral values, grand narratives,

and a single reality. Instead, we assert that people's beliefs, values, and realities are constructed and controlled based on systems of power. Our collective expertise in leadership preparation programs, the development of in-service school leaders in K-12 schools, and deep engagement in community organizing and youth engagement are both a unique contribution and an asset to our research, enriching our analysis with practical insights and a commitment to social justice.

Reflexivity was a crucial part of our process, wherein we acknowledged and made transparent the subjectivities that influenced our work, allowing us to monitor them and implement trustworthiness strategies. We openly named our political alignment with left-wing liberal ideologies, generally holding progressive views of the government's role in addressing systemic issues of racial injustice and other forms of marginalization. Although we align more with progressive political ideologies, we vary in our political views, goals, and strategies relative to combating racial inequality and other public policy issues in the United States. Despite our shared progressive stance, we recognized the need to examine our perspectives critically and genuinely understand more conservative viewpoints related to state legislatures' proposed CRT bills.

To ensure a balanced approach, our team employed various trustworthiness strategies. These included peer debriefing, maintaining research memos, and engaging with news coverage across the political spectrum. Additionally, we completed free open-access training from the Constructive Dialogue Institute (n.d.), which offers a psychology-based online learning program designed to foster empathy, strengthen communication, and open individuals to diverse perspectives. Through our engagement with these resources, we aimed to expand our perspectives to better understand the apparent gulf in viewpoints.

Data Sources

We sourced data on formally proposed or enacted official state legislation from four databases spanning 2017–2022. Our initial data source was a *Chalkbeat* article and CRT mapping that the news organization began in 2017, signaling a brewing undercurrent before Trump's executive order. *Chalkbeat*, a nonprofit news organization committed to improving educational equity, mapped 45 pieces of state legislation, including supportive and restrictive bills. This mapping traced the timeline of the recent backlash against CRT in education, particularly K-12 schools, to the Trump administration (Stout & Wilburn, 2022).

Following educational news on this topic, we identified a more robust dataset in the CRT Forward Tracking Project hosted at the Critical Race Studies Program of the University of California, Los Angeles School of Law. Launched in August 2021, the project, led by Taifha Alexander and her research team, developed a comprehensive public database to examine anti-CRT legislation across all government levels (Alexander et al., 2022). This updated monthly database expanded our dataset by 74 pieces of formally proposed state legislation not duplicated from our initial data.

We also identified three bills from a list provided by Citizens for Renewing America (2021), discovered during our literature and media review. Our fourth data source was an index of educational gag orders updated weekly by PEN America. A 501(c)(3) organization founded in 1922, Pen America tracks educational gag orders through state legislative websites and LegiScan.com. This index added 34 unique bills to our data (Friedman & Tager, 2022). We compiled a central database of 290 formally proposed or enacted state legislative bills by merging data from these four sources. This comprehensive dataset allowed us to critically analyze state legislation supporting or restricting education across the United States (see Table A1 in Appendix A).

Strengths and Limitations of Data Sources

Drawing from publicly available datasets, we created a robust database of both supportive and restrictive state legislation introduced in state legislatures across the United States from 2017–2022. This enabled a deep and comprehensive analysis of both supportive and restrictive legislation. However, our dataset had some limitations. It did not account for access to the legislative process (e.g., committee assignment, length of the legislative session) or individual stakeholder motivations. Additionally, we did not deconstruct or analyze district-level (local school boards) and school-level interpretations and implementations of these bills. Still, our analysis covered a broad body of legislation, even bills that did not pass. The data allowed us to track legislation across the United States rather than regionally, and we performed a deep and comprehensive analysis of supportive and restrictive legislation. For a regional summary of bill patterns, see Table A2 in Appendix A.

We recognize that state legislators rarely write state legislation; it is more common for a legislative staff member or special interest group to draft a bill. However, bill sponsorship is a close proxy for authorship. State legislators who sponsor bills present them to the legislature, seek cosponsors, and serve as the chief advocates for the bill, effectively endorsing the bill's text and framing.

Data Analysis

We began the data analysis process by grouping the bills into two categories: supportive and restrictive. We then inductively coded each bill with a focus on power dynamics and the distribution of knowledge and resources. Our team of coders each independently coded all 290 bills using NVivo software. This inductive coding allowed us to identify patterns and themes across all bills. Throughout the analysis, we conducted five peer debriefing sessions to discuss our coding and emerging themes, and we received feedback from colleagues at professional education conferences. We employed cross-coding to ensure reliability, whereby different team members coded the same legislative texts independently and then compared and reconciled codes. Appendix B features a visual representation of the analytic process of coding to theme development.

Inductive Coding

Three of the five research team members engaged in the data analysis process. Our team inductively analyzed the data for our first coding round to avoid restricting ourselves to predefined codes. In this round, we used inductive coding to explore unnoticed, emerging themes. After inductive coding, these three coders each wrote an analytic memo to document our reflections and initial findings. We then held a pivotal debrief meeting with the entire research team using the digital whiteboard platform Jamboard to share and discuss our initial findings collectively. This collaborative approach highlighted the coders' varied inductive codes, reflecting our different lenses and positionalities. Although acknowledging the diversity in our coding, we noted that all codes related to power dynamics and mechanisms.

Deductive Categorizing, Sensemaking, and Theme Development

Following the inductive phase, we organized our codes into categories and subthemes: power of framing, distribution of knowledge, and distribution of resources. The five critical concerns identified by Young and Diem (2017) guided this decision. We asked questions such as: Who was granted authority to which others must comply? Who had authority taken away if the legislation passed? Whom did the legislators consider as competent authorities based on perceived subject matter expertise? (Fowler, 2012, p. 27). Our analysis included all introduced bills, regardless of whether they were adopted. We identified three overarching themes from our subthemes,

discussed in the following section. In Table C (see Appendix C), we list adopted bills by thematic category.

Findings

We conducted a comparative analysis of 290 pieces of legislative introduced or enacted at the state level between 2017 and 2022. These bills focused on discussions of systemic racism, bias, and the contributions of racial and ethnic groups to U.S. history in public K-12 and higher education (see Appendix C). We critically analyzed legislative efforts that either supported or restricted the inclusion of these topics in educational curricula. Among the 290 bills analyzed, 40 (14%) were passed in 26 states (see Figure D1 in Appendix D).

Supportive legislative efforts emerged primarily from states like California (AB101, 2021), Colorado (HB19-1192, 2019), and Illinois (SB648, 2021). These bills aimed to incorporate systemic racism and the contributions of racial and ethnic groups into curricula. However, many of these bills were limited in scope and reliant on external funding, which restricted potential for broader implementation. In contrast, 278 bills introduced or passed during this period restricted discussions of systemic racism. These restrictive bills influenced textbook content, curriculum materials, and professional training for state employees. Florida passed four restrictive bills, and several other conservative-leaning states, particularly in the South, introduced multiple measures (see Figure D2 in Appendix D). These bills framed racism as an individual issue rather than a systemic one. Notably, even some more liberal states introduced or passed legislation that restricted content, highlighting the complexity of state-level approaches on these topics. We identified the political context of states based on which political party held majorities in the state legislature (house and senate equivalents) and governorship, identifying each state as Republican trifecta (conservative), Democratic trifecta (liberal), or a split-control state.

Our comparative CPA shows how legislative actions across states have shaped the distribution of knowledge in schools by either supporting or restricting the inclusion of systemic racism, bias, and contributions of marginalized groups. These efforts, which varied across the political spectrum, illustrate how states have used their legislative power to legitimize certain perspectives, histories, and contributions while marginalizing others, as evidenced by the three major themes identified in our data.

Theme 1: The Framing of Education Bills Significantly Influences the Perceived Legitimacy and Impact of the Legislation, Shaping Public Discourse and Policy Outcomes

During our CPA of formally proposed enacted legislation, we observed that the framing of the bills played a significant role in shaping their core message and intended impact. This framing communicated the bill's purpose and was crafted in specific ways to influence perceptions of the public and policymakers. This theme was supported by the CPA subtheme of "power of bill framing," featuring the categories of "inclusive language" and "divisive language."

Supportive Bill Framing: Inclusive Language

Sponsors of the supportive bills sought to create learning environments that delivered rich, diverse, and expansive forms of knowledge. These bills emphasized ensuring that all students, regardless of their public school, had access to an inclusive and culturally responsive curriculum that reflected all students' diverse perspectives and lived experiences. These bills often featured language about dismantling institutional racism in public schools and increasing equity, diversity, and inclusion efforts through curriculum, professional standards, and ongoing professional development. Key terms frequently used in the framing included "diversity," "equity," "inclusion," "civic

reasoning,” “civic participation,” “diverse points of view,” “eliminate historical and contemporary injustice,” “anti-racist,” “roles and responsibilities of citizens in democratic societies to combat racism, inequality, and discrimination,” and “equity, cultural competency, and dismantling institutional racism in the public school system.” For example, members of the Vermont General Assembly introduced House Bill 584 (2022) “to recognize fully the history, contributions, and perspectives of ethnic groups and social groups,” with legislative findings that centered “the impact of ethnic studies on academic and social outcomes on students’ intellectual development” (p. 1).

Supportive bills outlined processes to introduce educational programming to schools emphasizing inclusivity and diversity. For example, Minnesota’s Bill R3501 (2021) promoted diverse ways of knowing and methodologies in education, whereas Maine’s House Paper 1235 (2021) and Washington’s Senate Bill 5044 (2021) mandated ongoing culturally responsive training, curriculum, content, and professional standards. Moreover, supportive bills highlighted the inclusion of various minoritized groups’ comprehensive histories, cultures, and social contributions in the teaching and content standards for history and civics. Colorado House Bill 19-1192 (2019) and Connecticut House Bill 7082 (2021) included provisions for teaching about American Indians, Latinos, African Americans, and Asian Americans; lesbian, gay, bisexual, and transgender individuals in these minority groups; and the contributions and persecution of religious minorities, highlighting their contributions and the intersectionality of their experiences. Delaware House Bill 198 (2021) and Illinois Senate Bill 648 (2021) similarly featured language to ensure that the curriculum included the history and culture of these groups.

In Nevada, Assembly Bill 261 (2021) required the inclusion of the contributions of various racial and ethnic groups in the curriculum, whereas Vermont’s House Bill 584 (2022) introduced an anti-racism certification program tailored to different school levels. Wyoming House Bill 76 (2017) required schools to consult with tribal nations to develop appropriate educational materials.

Although the overall purpose of these bills was consistent, none of the supportive bills had similar text, and they contained very different strategies to accomplish their goal of building an inclusive curriculum. The varied strategies and unique texts emphasize the need for adaptable and context-specific approaches to achieving an inclusive curriculum.

Restrictive Bill Framing: Divisive Language

In contrast, bills intended to restrict discussions around concepts associated with CRT framed these concepts as worsening race relations. These bills portrayed certain forms of curriculum and instruction as “scapegoating,” “stereotyping,” “anti-American,” “divisive,” “indoctrination,” “radical rhetoric,” “activist movement,” “political activism,” “revisionist history of America’s founding,” “bigotry,” “racially discriminatory,” and efforts to “exacerbate and inflame divisions in society.”

Most restrictive bills explicitly linked CRT with discussions of divisive concepts, defining these ideas as suggesting that one race or sex is inherently superior, that the United States is fundamentally racist or sexist, or that individuals should feel guilt or distress due to their race or sex. For example, Washington House Bill 1807 (2022) stated:

A growing number of parents and families of Washington’s kindergarten through high school have become discouraged by the radical rhetoric of some state consultants who speak of their goals to “destabilize” and “tear down” the state’s basic education system and curricula. (p. 1)

Michigan Senate Bill 460 (2021) read:

the United States is a fundamentally racist nation, that the United States Constitution is a fundamentally racist document, and that certain races are fundamentally oppressive or oppressed. (p. 3)

These restrictive bills framed CRT as a movement to advance left-leaning political ideologies and portrayed racism as an individual issue rather than a systemic one. Texas Senate Bill 34 (2021) stated, “With respect to their relationship to American values, slavery, [sic] and racism are anything other than deviations from, betrayals of, or failures to live up to, [sic] the authentic founding principles of the United States” (p. 10). Another example is Georgia House Bill 888 (2022), which stated:

Slavery, racial discrimination under the law, and racism in general are so inconsistent with the founding principles of the United States that Americans fought a civil war to eliminate the first, waged long-standing political campaigns to eradicate the second, and rendered the third unacceptable in the court of public opinion, all of which dispels the idea that the United States and its institutions are systemically racist and confutes the notion that slavery, racial discrimination under the law, and racism should be at the center of public elementary, secondary, and postsecondary educational institutions. (p. 2)

Such restrictive bills are based on the premise that ideologies connecting past oppression to modern-day issues are false, inappropriate, and properly addressed by federal legislation. This framing drew from Section 2 of Trump’s executive order, which laid the groundwork for defining and opposing divisive concepts in education.

In summary, Theme 1 indicates that the framing of the supportive bills focused on inclusivity, equity, and broadening perspectives, whereas the framing of the restrictive bills portrayed discussions on systemic racism and equity as divisive and unpatriotic. The divergent framing reflects deeper ideological divides and influences how the public and policymakers debated and received these bills.

Theme 2: Legislative Strategies to Control the Distribution of Knowledge in K-12 Education Reveal Vastly Different Approaches to Shaping the Flow of Information

Our analysis of legislative strategies aimed at controlling the distribution of knowledge in K-12 education revealed fundamentally different approaches to shaping the flow of information in schools. Whereas some bills offered support for the curriculum by mandating the inclusion of diverse histories and perspectives, others restricted the dissemination of certain ideologies and concepts. Regarding this theme, we critically analyzed contrasting legislative efforts to broaden or restrict educational content, highlighting how these strategies affect what is taught in classrooms and who selects the knowledge to be shared with students. This theme is supported by the CPA subtheme of “distribution of knowledge,” with categories of “inclusive curriculum” and “censorship.”

Support Bill Strategies: Inclusive Curriculum

Most adopted bills that supported curriculum and diversity efforts in public schools did so by mandating the inclusion of specific histories or marginalized peoples in existing standards and materials. For example, New Jersey Senate Bill 4021 (2021) required the inclusion of Asian and Pacific Islander histories, whereas Delaware House Bill 198 (2021), Connecticut House Bill 7082 (2021), and Maine Bill R3501 (2021) focused on African American histories. Connecticut House Bill

7082 (2021) also included the histories of Latinos and Puerto Ricans, and Nevada Assembly Bill 261 (2021) and Wyoming House Bill 76 (2017) mandated the inclusion of Native American histories.

Legislators used several political strategies to curate the knowledge shared in classrooms. Supportive bills included recommendations for schools to seek resources and guidance from their state boards of education (SBOE) or consult with organizations with subject-matter expertise, such as civil rights organizations or higher education scholars with content expertise (Connecticut HB7082, 2021; Maine HP1235, 2021). For example, Wyoming House Bill 76 (2017) required consultation with tribal nations. Colorado House Bill 19-1192 (2019) recommended the involvement of ad hoc commissions with members experienced in classroom teaching and content standards, reflecting the state's geographic and ethnic diversity.

Supportive bills often required broad participation and solicitation of subject-matter experts, such as tribal nations, advisory boards, instructional quality commissions, and SBOE. They also engaged parents, administrators, teachers, and youth in developing and monitoring the curriculum and standards (California AB101, 2021; Colorado HB19 1192, 2019; Delaware HB198, 2021; Indiana HB1134, 2022; Maine HP1235, 2021; Wyoming HB76, 2017). Public and charter schools also received discretion to offer ethnic studies courses and include them in graduation requirements (California AB101, 2021; Colorado HB19-1192; Delaware HB198, 2021). For example, California Assembly Bill No. 101 (2021) amended the state's Education Code to include a one-semester course in ethnic studies as a graduation requirement starting with the 2029–30 school year.

Furthermore, legislators used supportive bills to empower educators to make textbook decisions (Nevada AB261, 2021), develop cultural competence training (Washington SB5044, 2021), establish new social studies standards (Minnesota R3501, 2021), and grant school boards agencies to conduct internal curriculum audits to ensure equitable representation of historically marginalized groups (Maine HP1235, 2021). This way, parents, educators, and community members could participate in knowledge distribution decisions. For example, Washington Senate Bill 5044 (2021) required collaboration with the Washington Professional Educator Standards Board to align the standards for school director governance, and Maine House Paper 1235 (2021) established an advisory group to develop materials for teaching African American studies.

Restrictive Political Strategies: Censorship

In contrast, bills designed to restrict the curriculum fell into three distinct categories: parental rights to review and monitor curriculum and materials, prohibition of the promotion and indoctrination of certain ideologies, and prohibition of training for employees of state agencies that aligned with the prohibited ideologies. These bills went beyond content restriction, with legislators aiming to control the dissemination of knowledge through additional oversight mechanisms.

Many restrictive bills emphasized parental rights to review and monitor the curriculum and materials, classifying the inclusion of “divisive concepts” as discrimination. For example, Missouri House Bill 1995 (2022) contained a provision enabling parents to file a formal request in writing with the superintendent of their child's school district to access any information that the parent perceived to fall in the category of divisive concepts. The superintendent had to provide the information to the parent within 10 days (pp. 3-4). Restrictive bills often contained standardized language across states, reflecting the use of model bills to ensure consistency in messaging and strategic timing. An illustrative example is Mississippi Senate Bill 2434 (2022), which read,

Whereas, critical race theory and related ideologies propagate divisive and untrue concepts that teach: one race or sex is inherently superior to another; individuals of one race or sex is inherently superior to another; and individuals of one race or sex should be deprived on basic rights simply because of their race or sex. (p. 2)

Kentucky House Bill 706 (2022) included additions to the list of divisive concepts. For example, the text read,

The belief that meritocracy or merit-based systems, or related character traits such as a hard work ethic, self-reliance, objectivity, rational or linear thinking, planning for the future, or delayed gratification are racist, sexist, or oppressive. (p. 2)

Of the 278 restrictive bills across 36 states, 42% ($n = 116$) contained similar or verbatim language about divisive concepts (see Appendix E).

The restrictive bills also established a transparency mandate, requiring schools to maintain a publicly accessible list of instructional materials used in all subjects on their websites, ensuring transparency and public scrutiny. For instance, Georgia House Bill 888 (2022) mandated transparency of curricula, course texts, and training to control and censor knowledge dissemination through additional parental and public oversight. Missouri House Bill 1995 (2022) would establish the Missouri Education Transparency and Accountability Portal. This internet-based tool provides citizens access to every school district's curriculum, source materials, and professional development materials.

Importantly, many restrictive bills included exception clauses for the impartial discussion of divisive concepts as part of larger academic instruction. For example, Alabama Senate Bill 292 (2022), Arizona HB 2247 (2022), Georgia House Bill 888 (2022), Iowa House Bill 802 (2021), Idaho House Bill 377 (2021), Indiana House Bill 1134 (2022), Louisiana House Bill 564 (2021), North Carolina House Bill 324 (2021) contained exceptions to ensure these bills were not construed to inhibit or violate the First Amendment rights, intellectual freedom, or free expression of higher education students and faculty. Inclusive of grades K-12, these exceptions ensured that the bills would not be construed to prohibit the collection or reporting of demographic data or promote racial, cultural, ethnic, intellectual, or academic diversity or inclusiveness if such efforts are consistent with the provisions outlined in the legislative text on divisive concepts. For example, Kentucky Senate Bill 1 (2022) included an exception clause to ensure that the legislative text was not construed as restricting:

a public school or public charter school from providing instruction or using instructional materials that include: the history of an ethnic group as described in textbooks and instructional materials adopted by a school district; the discussion of controversial aspects of history; or the instruction and instructional materials on the historical oppression of a particular group of people. (p. 16)

Although this provision does not prohibit these topics from discussion, it censors how they are taught in K-12 classrooms. For example, Florida Senate Bill 1557 (2022) read that "classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 3 or in a manner that is not age-appropriate or developmentally appropriate for students in accordance with state standards" (p. 4). Indiana House Bill 1040 (2021) required prior informed written consent from the parent of students less than eighteen years old before they "could participate in any instruction on human sexuality, including 1) abortion; 2) birth control or contraceptives; 3) sexual activity; 4) sexual orientation; 5) transgenderism [sic]; and 6) gender identity" (p. 20). Other examples include Louisiana HB 837 (2022), Ohio House Bill 616 (2022), and Oklahoma House Bill 1641 (2021), whose legislative texts contained similar censorship about the discussion of sexual orientation and gender identity in public schools.

In summary, we identified in Theme 2 that the strategies for distributing knowledge in K-12 education through legislation featured two distinct approaches. Supportive bills focused on

inclusivity and broad participation, whereas restrictive bills emphasized control and censorship through parental oversight and transparency mandates.

Theme 3: Regarding Resource Distribution, Supportive Bills Support Inclusive Practices Through Additional Resources, Whereas Restrictive Bills Impose Punitive Measures that Threaten Schools' Financial and Operational Stability

Our analysis of legislative strategies revealed a significant divide in how resources are distributed to schools, reflecting differing priorities and ideologies. The authors of supportive bills sought to enhance inclusive practices by providing additional resources and support, ensuring schools have the necessary tools to implement diverse and equitable curricula. In contrast, restrictive bills contained punitive measures that can undermine schools' financial stability and operational capacity, often shifting power and decision-making abilities away from educators and toward external authorities or parents. For Theme 3, we critically examined how these contrasting approaches could affect the allocation of resources in K-12 education, highlighting the broader implications for educational equity. This theme is supported by the CPA subtheme of "distribution of resources" and its categories of "resource support" and "punitive measures."

Supportive Bills: Resource Support

Supportive bills supplemented school and district resources through various mechanisms. SBOE were expected to provide guidance, best practices, exemplar modules (Maine HB1235, 2021), professional development materials, evaluation forms, templates, and required in-service training hours (Washington SB5044, 2021). Some bills provided mechanisms for local boards of education to accept gifts, grants, and donations to support curriculum development (Connecticut HB7082, 2021). Other bills proposed designating a required professional learning days toward cultural competence, diversity, equity, or inclusion (Washington SB5044, 2021).

Sponsors of these legislative texts often recognized the need to reckon with systemic oppression and exclusion; however, the proposed changes were often at the individual level. Bills outlined change at the school level, with language requiring (California AB101, 2021; Colorado HB19-1192, 2019), encouraging (Connecticut HB7082, 2019), or incentivizing students to take part in an ethnic studies course through merit scholarships (Louisiana HB365, 2021). In Connecticut House Bill 7082 (2021), the SBOE is mandated to assist and encourage local and regional boards of education to include Holocaust and genocide education and awareness; historical events surrounding the Great Famine in Ireland; African American history and Black studies; Puerto Rican history and Latino studies; and Native American history in the curriculum (p. 3). For example, Louisiana ACT 334 (2021) created a policy incentive for students to take African American History by adding this course to the list of eligible courses for the Taylor Opportunity Program for Students, a merit-based scholarship for students attending certain postsecondary institutions. Vermont HB584 (2022) created and encouraged participation in an "anti-racism certification program" with tailored certification requirements for different school levels, to be reviewed annually.

These supportive bills contained their approach to promoting diversity, equity, and inclusion in the curriculum to specific courses or roles and provided for financial supported through external funding sources such as gifts, grants, or donations (Colorado HB19-1192, 2019; Connecticut HB7082, 2019).

Restrictive Bills: Punitive Measures

In contrast, the sponsors of restrictive bills approached resource distribution by implementing punitive measures at the institutional level, with systemic implications. Many

restrictive bills established a private cause of action for certain violations with severe penalties, including reduced or eliminated school funding (Arkansas SB196, 2022; Idaho HB377, 2021; Georgia HB888, 2022). They mandated local school boards to adopt a complaint resolution policy (Georgia HB888, 2022; Illinois HB5505, 2022; Missouri SB761, 2021) and enacted penalties such as suspension, loss of licensure, or dismissal of educators, thus threatening their financial livelihood (Arizona HB2112, 2022 and HB2898, 2021; Kentucky SB1, 2022; Rhode Island HB7335, 2022; West Virginia HB4016, 2022).

Attorneys general received more power to commence a civil action against a “state agency, local school board, chart school, or public from violating the codes of teaching divisive concepts” (Arkansas SB196, 2022, Sec. 14.18.170). For example, Arizona HB2112 (2022) allowed public school attorneys to request legal opinions from the attorney general regarding potential violations. Additionally, many restrictive bills reinforced the power of SBOE by allowing them to investigate and take disciplinary action against educators violating the code regarding divisive concepts (Georgia HB888, 2021; Utah SB257, 2022). For example, New Jersey Senate Bill 2685 (2022) had a provision that read, “a teacher who violates the provisions of subsection a. of this section shall be subject to disciplinary action before the State Board of Examiners including suspension or revocation of the teacher’s certification” (p. 2). This provision underscores a punitive approach focused on controlling teachers’ actions and enforcing compliance with the legislation’s requirements. On the other hand, Alabama House Bill 8 (2021) had a provision that read, “No student enrolled in or attending a public K-12 school or public institution of higher education shall face any penalty or discrimination on account of his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to divisive concepts” (p. 3). This provision aims to safeguard students’ freedom of belief and expression, preventing any form of coercion or penalty based on their stance regarding divisive concepts. Both approaches contribute to a broader environment of control over educational content and discourse.

Moreover, legislators conferred more power to local school boards to create and enforce policies related to teaching controversial issues and addressing parent complaints (Florida SB1300, 2021; Georgia SB226, 2022; Iowa HB2499, 2022; Wisconsin HB488, 2021). For example, Wisconsin House Bill 963 (2022) granted parents extensive rights to review instructional materials, access education-related information, receive advance notice of polls or surveys, and opt their children out of classes for religious or personal convictions. Sponsors of Missouri House Bill 1995 (2021) introduced a “Parent’s Bill of Rights for Student Well-Being” to prevent the infringement “on the fundamental rights of a parent to direct the upbringing, education, health care, or mental health of such parent’s minor child” (p. 1). These bills redistributed power from educators toward various levels of governance.

Finally, many restrictive bills were situated in broader conservative policy issues, such as neoliberal (market-based) reform (Arizona SB2898, 2021; South Carolina SB4100, 2021 and HB4799, 2022). For example, South Carolina House Bill 4799, introduced in 2022, stated that if a public school violates any provisions of this chapter, all students in the school district are entitled to attend any public or private school in the State, and the home district must transfer an amount equal to the base student cost to the school the student chooses to attend. (Section 1-35-90, p. 3)

This anchored this initiative in a policy issue with strong Republican support, signaling that the solution to this problem is school choice (i.e., charter schools and school privatization).

In summary, Theme 3 reveals two distinct approaches to resource distribution in K-12 education legislation. Supportive bills enhanced educational practices by providing resources such as SBOE guidance, professional development materials, and external funding. Conversely, restrictive

bills imposed punitive measures that threatened financial stability, such as reducing funding, enforcing complaint resolution policies, and increasing attorney general oversight. Restrictive bills also shifted decision-making power to parents through mechanisms like a “parent bill of rights” and school choice. Through this theme, we illuminated contrasting approaches to resource allocation.

Discussion

In this study, we used CPA to examine how legislators used CRT bills introduced at the state level to distribute power, resources, and knowledge and create policy “winners” and “losers.” Of the 290 bills formally introduced or passed across the United States between 2017 and 2022, only 12 bills outlined ways to support educational opportunities for students to learn about broad, inclusive, and diverse types of knowledge. The remaining 278 bills featured language intended to censor topics of race, racism, and bias in K-12 schools and perpetuate systems of hegemony, mainly White, cis-hetero, and patriarchal dominance. Our findings and comparative analysis revealed a stark contrast between supportive and restrictive bills regarding their approaches to educational content and the distribution of power, knowledge, and resources. Supportive bills aimed to redistribute power, knowledge, and resources to create more inclusive and culturally responsive learning environments. They did so through policy mandates and incentives. In contrast, restrictive bills maintained existing power structures by censoring content on race, racism, and bias, thereby perpetuating systems of hegemony. They did so through policy mandates, economic penalties, and effective political framing.

Supportive Bills: Inclusive Pedagogy and Redistribution of Knowledge and Resources

We found no evidence that the supportive bills featured text to support or suggest the teaching of CRT per se but rather an inclusive pedagogy. These bills aimed to help students critically engage with multiple perspectives, develop critical consciousness, and recognize the contributions of diverse groups. By doing so, the bills were structured to support and stimulate learning environments that foster inclusivity, cultural responsiveness, and a comprehensive understanding of history and society. These efforts would help ensure that all students, regardless of their background, receive an education that reflects diverse viewpoints and acknowledges the contributions of historically marginalized groups.

Restrictive Bills: Centralized Control and Exclusion

In stark contrast, restrictive bills aimed to censor discussions on race, racism, and bias, framing these topics as divisive and harmful. These bills replicated a centralized, top-down approach to educational decision-making. They included significant protections for educators who avoided exploring these discussions while penalizing those who did, with consequences including loss of teaching certificates, criminal charges, and civil lawsuits. Moreover, they conferred more power to local school boards to create and enforce policies for teaching controversial issues and addressing parent complaints. Restrictive bills also aimed to control the dissemination of knowledge through additional oversight mechanisms, emphasizing parental rights to review and monitor curriculum and materials. Legislators classified the inclusion of divisive concepts as discrimination, mandating transparency of curricula, course texts, and training to control and censor knowledge dissemination through additional parental and public oversight.

Implication of Legislative Strategies

The uniform language and coordinated strategy of restrictive bills allowed them to reach more state legislatures and have more of a chilling effect on educational discussions. This suggests that the restrictive strategy was more effective in terms of dissemination and immediate impact.

However, this effectiveness comes at the cost of stifling critical discussions and diverse perspectives, essential for a well-rounded, inclusive education. Only about 10% (28 of 278) of restrictive bills passed. In contrast, supportive bills, though fewer in number, have been more successful in legislatures, with around 83% (10 of 12) of the proposals passing. These supportive bills often adhere to the provisions found in the exception clauses of restrictive bills, which often allow for the discussion of race in the United States in an impartial and comprehensive manner. However, impartiality means not discussing the ongoing impact of historic injustices and systemic inequalities, preventing students from learning about and understanding the complexities of social issues, hindering critical thinking, and perpetuating ignorance and bias (López & Sleeter, 2023). This viewpoint undermines efforts to promote equity and inclusion in education by dismissing the relevance of diverse perspectives and lived experiences in shaping a comprehensive understanding of history and society.

Recommendations

By centering our analysis on the strategies used by legislators to either restrict or support education on racism, bias, and the contributions of specific racial or ethnic groups to U.S. history in K-12 schools, we unearthed legislative strategies intended to concentrate power in the hands of certain groups based on the desired outcome. Based on our findings, we offer the following recommendations to redistribute power, resources, and knowledge.

Uplift Youth Voices and Experiences

Restrictive bills largely replicated a top-down approach to educational decision-making. Instead, we recommend a bottom-up, grassroots approach (Horsford et al., 2018). To combat systemic racism and other forms of oppression, future efforts must invest resources in those most affected: youth. Youth are speaking up and calling on adults to acknowledge, discuss, and address historical and contemporary issues of systemic racism and oppression directly (Trinidad, 2022). In this way, youth are demanding a redistribution of knowledge. Youth should continue their advocacy work because they are a formidable force, and youth civic engagement has a proven track record of success in school improvement and policy reform (López & Sleeter, 2023; Trinidad, 2022). An example of this success is Colorado HB19-1192 (2019). Educational leaders and community members can collaborate with youth by supporting spaces where they have the freedom to dream of and design the future of education (Trinidad, 2022).

Empower Educational Leaders with Critical Educational Policy Skills

Educational leadership preparation programs and professional development in schools and districts should integrate coursework, critical discussions, and externships to redistribute knowledge and resources by equipping educational leaders with the necessary skills to navigate intricate political landscapes effectively. Given the challenges educators face in the current curriculum wars, it is essential to embed political advocacy skills into professional learning communities (Castillo, 2024; Turner et al., 2024). Leaders should be able to analyze educational bills critically to understand their practical implications beyond legislative rhetoric. Proper preparation is crucial for leaders to lead culturally and linguistically diverse school communities effectively and prevent unintentional harm. This skill might help educators critically examine legislative texts to understand what they say versus relying on secondhand discourse that takes on a life of its own in the media. Also, preparation programs can help develop leaders' critical consciousness through ongoing critical self-reflexivity, introduction to multiple ways of knowing and doing, and exposure and deep learning of diverse critical theoretical frameworks. Like leaders, teachers need support and training to confidently

navigate discussions about race and racism. Policymakers should support professional development that empowers educators to address these complex issues without fear of retribution.

Develop “Know Your Rights” Guides for School Communities

An essential strategy for redistributing knowledge and empowering youth, their families, and educators is developing “know your rights” guides for school communities, such as those available through the National Education Association (Alvarez, 2022). These guides can play a crucial role in demystifying legislative language and making the implications of educational policies more accessible to parents, students, and educators. By providing clear, concise information on their rights and the impacts of specific bills, these guides can redistribute knowledge, ensuring that all community members are informed and equipped to engage effectively in policy-making.

“Know your rights” guides align with the theme of the distribution of knowledge by making legislative information transparent and accessible, thus democratizing knowledge that might otherwise be confined to policymakers and legal experts. These guides also address power dynamics by empowering parents and students to understand and assert their rights, thereby challenging the centralized control of knowledge and decision-making. For example, creating guides that explain the content and implications of both supportive and restrictive bills can help communities understand their real-world impacts. This can lead to more informed advocacy and engagement with school boards and legislators. Additionally, these guides can provide practical steps for community members to act, such as participating in public hearings, contacting legislators, and engaging in other forms of civic participation.

Adopt Model Measures in Support of Equity and Social Justice Curricula

To advance equity and social justice in education, policymakers must proactively adopt model measures that promote inclusive curricula. Just as restrictive bills have spread through coordinated legislative efforts, supporters of equity in education should champion similar strategic dissemination across states. One example is the CRT Forward measure from the UCLA School of Law’s Critical Race Studies Program (Alexander & Zhou, 2024), which outlines provisions for protecting educators who teach CRT principles and ensures students receive accurate information about race and systemic racism. Key provisions safeguard educators from penalties if they include CRT principles in their lessons, ensure students have access to comprehensive information on race and systemic racism, and prevent the adoption of policies that restrict CRT teaching as defined by the measure (Alexander & Arulanantham, 2024). This measure provides a roadmap for policymakers to implement legislation that promotes inclusive, race-conscious education. It serves as a counterbalance to the well-coordinated, restrictive efforts that have proliferated across the United States, offering a framework for advancing educational equity through state legislatures.

Produce Timely and Translational Research

Researchers should form interdisciplinary teams to explore the complexities of polarizing legislation that draws on deep-rooted ethical, moral, and social values in educational leadership and policy. Given the sweeping implications of key educational policies, researchers should disseminate findings through accessible forms (e.g., open-access literature, social media) and equitably and ethically co-generate and distribute knowledge to marginalized ethnic groups. Longitudinal research is necessary to identify trends related to teaching about race, culture, and other politically polarized topics, and qualitative interviews with stakeholders can provide insights into strategies for advancing socially just policies. Advocacy groups and educators should work together to increase public awareness of the importance of accurate, inclusive education. Public support can be leveraged to counter the restrictive framing that paints CRT as divisive.

Conclusion

The curriculum wars in education, driven by well-funded, far-right conservative noneducators, do not reflect the broader sentiment in society and lack empirical evidence of harm to students (Schwartz, 2021). The rise in CRT legislation, influenced by Trump's Executive Order 13950, has shaped state and school district policies, regulating discussions on race and sex. Our findings highlight the need for a more coordinated and strategic approach to promoting inclusive education, leveraging the success of supportive bills to counteract restrictive measures. By focusing our analysis on power dynamics and political strategies, we can design innovative, sustainable educational strategies to improve K-12 education on race, racism, bias, and the contributions of racial or ethnic groups to U.S. history.

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