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Why are states banning critical race theory?

[Rashawn Ray](#) and [Alexandra Gibbons](#) Friday, July 2, 2021

Fox News has mentioned “critical race theory” 1,300 times in less than four months. Why? Because critical race theory (CRT) has become a new boogie man for people unwilling to acknowledge our country’s racist history and how it impacts the present.

To understand why CRT has become such a flash point in the culture, it is important to understand what it is and what it is not. Opponents fear that CRT admonishes all white people for being oppressors while classifying all Black people as hopelessly oppressed victims. These fears have spurred school boards and state legislatures from Tennessee to Idaho to ban teachings about racism in classrooms. However, there is a fundamental problem: these narratives about CRT are gross exaggerations of the theoretical framework. The broad brush that is being applied to CRT is puzzling to academics, including some of the scholars who coined and advanced the framework.

CRT does not attribute racism to white people as individuals or even to entire groups of people. Simply put, critical race theory states that U.S. social institutions (e.g., the criminal justice system, education system, labor market, housing market, and healthcare system) are laced with racism embedded in laws, regulations, rules, and procedures that lead to differential outcomes by race. Sociologists and other scholars have long noted that racism can exist without racists. However, many Americans are not able to separate their individual identity as an American from the social institutions that govern us—these people perceive themselves *as* the system. Consequently, they interpret calling social institutions racist as calling them racist personally. It speaks to how normative racial ideology is to American identity that some people just cannot separate the two. There are also people who may recognize America’s racist past but have bought into the false narrative that the U.S. is now an equitable democracy. They are simply unwilling to remove the blind spot obscuring the fact that America is still not great for everyone.

Scholars and activists who discuss CRT are not arguing that white people living now are to blame for what people did in the past. They are saying that white people living now have a moral responsibility to do something about how racism still impacts all of our lives today. Policies

attempting to suffocate this much-needed national conversation are an obstacle to the pursuit of an equitable democracy.

To better understand how widespread these efforts are to ban critical race theory from U.S. classrooms, we did an assessment of anti-CRT state legislation. Here's what we found:

- Six states (Idaho, Oklahoma, Tennessee, Texas, Iowa, and New Hampshire) have passed legislation.
- None of the state bills that have passed even actually mention the words “critical race theory” explicitly, with the exception of Idaho.
- The legislations mostly ban the discussion, training, and/or orientation that the U.S. is inherently racist as well as any discussions about conscious and unconscious bias, privilege, discrimination, and oppression. These parameters also extend beyond race to include gender lectures and discussions.
- State actors in Montana and South Dakota have denounced teaching concepts associated with CRT. The state school boards in Florida, Georgia, and Utah introduced new guidelines barring CRT-related discussions. Local school boards in Georgia, North Carolina, Kentucky, and Virginia also criticized CRT.
- Nearly 20 additional states have introduced or plan to introduce similar legislation.

You can find a summary of this legislation in the appendix to this post.[\[1\]](#)

The approach of some Republican-led state legislatures is a method for continuing to roll back racial progress regarding everything from voting rights to police reform. This is a horrible idea and does an injustice to our kids. Laws forbidding any teacher or lesson from mentioning race/racism, and even gender/sexism, would put a chilling effect on what educators are willing to discuss in the classroom and provide cover for those who are not comfortable hearing or telling the truth about the history and state of race relations in the United States. Ironically, “making laws outlawing critical race theory confirms the point that racism is embedded in the law,” as sociologist Victor Ray noted.

Some parents are worried about their kids learning things in school that they do not have the capacity to address. As a college professor who does teach CRT as one of the many theoretical frameworks that I bring into the classroom, students are alarmed by how little they have learned about inequality. They are upset at their schools, teachers, and even their parents. So, this is the

conundrum: teachers in K-12 schools are not actually teaching CRT. But teachers are trying to respond to students asking them why people are protesting and why Black people are more likely to be killed by the police.

Ultimately, we cannot employ colorblind ideology in a society that is far from colorblind. Everyone sees it, whether they acknowledge it consciously or not. As I wrote in a previous Brookings article on [whether the U.S. is a racist country](#), systemic racism can explain racial disparities in police killings, COVID-19, and the devaluing of homes in Black neighborhoods. If we love America, we should want it to be the best it can be. Rather than run from the issue of racism in America, we should confront it head on. Our kids and country will be better for it.

[1]

Appendix: Legislative and administrative actions regarding CRT

Successful bans by legislatures

Idaho [House Bill 377](#)

Oklahoma [House Bill 1775](#)

Tennessee [House Bill 580](#)

Texas [House Bill 3979](#)

Iowa [House File 802](#)

New Hampshire Anti-CRT section was incorporated into [House Bill 2](#), the state budget trailer

State legislatures that have/are considering a ban or that have pre-filed bills for next session

Alabama · Rep. Pringle (R), has [pre-filed a bill](#) for next legislative session that would limit the concepts about race and sex that public schools and universities can teach

· Alabama [Board of Education](#) is also debating whether to ban CRT, will vote in August

Arizona · Legislature passed a [ban](#) prohibiting using public funds for government employee training “that presents any form of blame or judgement on the basis of race, ethnicity, or sex,” governor vetoed because budget wasn’t submitted

· Another bill, which would have allowed prosecutors to fine teachers up to \$5,000 for failing to present all sides of controversial issues, [failed](#)

- Senate Bill 627 passed. It limits how most state agencies can train employees about “divisive concepts”

Arkansas

- Bills limiting how racism is taught in schools (HB1218) and banning the 1619 project in schools (HB1231) have failed thus far

- Two bills have been pre-filed for the next legislative session:

- BR 60 would ban certain concepts from being taught in public K-12 schools and establish financial penalties for disobeying. It also bans mandatory diversity training at public universities.

Kentucky

- BR 69 would ban concepts from being taught both in public K-12 schools and in public universities; institutions that disobey would be legally liable.

Louisiana

House Bill 564 would ban “divisive concepts” from being taught in public schools and public postsecondary institutions

Maine

HP 395 would ban certain subjects/concepts from being taught in public schools

Michigan

Senate Bill 460 would ban (and withhold 5% of state funding to districts who do not cooperate) the teaching of the 1619 Project and specified concepts in public schools

Missouri

House Bill 952 would ban certain concepts from being taught in state agencies, school districts, public postsecondary institutions, and state-funded charter schools, including specified curriculum (1619 Project, Learning for Justice Curriculum by SPLC, We Stories, programs by Educational Equity Consultants, BLM at School, Teaching for Change, Zinn Education Project). State funding would be withheld from entities who violate these rules.

Mississippi

House Resolution 62 and Senate Resolution 56 condemn critical race theory but do not address schools specifically

North Carolina

House Bill 324 would ban certain concepts from being taught in public schools and charter schools

- [House Bill 322](#) states that teachers who discuss current events must introduce multiple perspectives, bans extra credit for political advocacy work, bans private funding for curriculum deemed unacceptable by bill, bans state agencies and school districts from teaching certain concepts

Ohio

- [House Bill 327](#) would ban school districts and state agencies from teaching various “divisive concepts,” would withhold state funding to districts that disobeyed

Pennsylvania

[House Bill 1532](#) would ban public postsecondary institutions, state and local governments, and school districts from teaching certain concepts, a violation would result in a loss of state funding

Rhode Island

[H 6070](#) would prohibit teaching of “divisive concepts” in schools, state and municipal contracts and training programs

South Carolina

[H 4325](#) would prohibit public schools, public school districts, and public postsecondary institutions from compelling students to affirm, adopt or adhere to what are characterized as “the tenets of critical race theory”

West Virginia

[House Bill 2595](#) would ban state employees or contractors, as well as schools, from teaching “divisive concepts” and would withhold state funding for violations

- [Senate Bill 411](#) would prohibit certain concepts from being taught in public schools and charter schools, with violations resulting in a loss of 10% of state funding. Also requires curricula used to be posted online.

Wisconsin

- [Senate Bill 410](#) would restrict the types of racism/sexism training that state agencies can conduct

- [Senate Bill 409](#) would ban certain concepts from being taught in University of Wisconsin System and the Technical College System and restricts permissible employee training, with violations resulting in funding cuts

Actions taken by state boards of education

Florida Rule amendment [here](#)

Georgia Resolution [here](#)

Utah

New rules [here](#), prompted by [resolutions](#) passed by the Utah Legislature [instructing the board](#) to address CRT in new rules

Actions taken by other state actors

Montana

· State Attorney General ruled that teaching CRT is discriminatory and unlawful, schools or public workplaces that offer CRT training could lose state funding or be liable to lawsuits

South Dakota

· The state Appropriations Committee sent a letter to the state Department of Education encouraging them to reject federal grants for teaching history and civics, noting that they expect to address CRT next legislative session

· Gov Noem signed “1776 Pledge”

Actions taken by local school boards

Cobb County “will not implement Critical Race Theory, also called CRT, in our schools – not under that name nor any other name; nor will we be using the 1619 Project in our schools – not under that name nor under any other name.”

Cherokee County, Georgia “NOW, THEREFORE, BE IT RESOLVED by vote of the members of the Cherokee County Board of Education at a duly called meeting held on May 20, 2021, the Cherokee County School Board and Cherokee County School District in pursuit of the aforementioned goals and objectives will NOT implement “Critical Race Theory,” also called CRT, in our schools – not under that name nor by any other name, nor will we be using The 1619 Project in our schools – not under that name nor by any other name.”

Brunswick County, North Carolina “This policy shall ensure that social theories of any kind (i.e. Holocaust Denial Theory, 9/11 Theory, Critical Race Theory) are not presented to students unless approved by the Brunswick County Board of Education. It is the responsibility of the Board to ensure that curricular standards are taught using well documented, factual resources and not opinion or conjecture.”

Gallatin County, Kentucky Superintendent stated that the board believes “no individual is ‘inherently racist, sexist or oppressive’ due to their race or sex, ‘whether consciously or unconsciously.’ Agenda item VI.I. from the June 15 BOE meeting “Discussion/Action to Ban Critical Race Theory in Gallatin County School District” was a statement to affirm the belief and commitment to ensure every child’s needs will be met. Furthermore, the effort was to not create greater divisions among students and staff through the promotion of CRT.”

Chesterfield County, Virginia School board chairman said that “critical race theory is not supported by members of the board. In Chesterfield, our goal is unity, not division.”