

Issue Brief: Educational Censorship in America

The following “Issue Brief” offers a short overview of efforts to censor history and restrict the freedom to learn in classrooms across the country. Given the volatile and evolving nature of this issue, the brief that follows is still in draft form. We look forward to hearing perspective from our colleagues around the country on how we can improve it or update it to make it more useful for public history and museum practitioners.

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Introduction

Over the past few years, history education has been contested and weaponized in the political sphere in new ways and with greater intensity. Efforts of the Donald Trump administration to prohibit diversity and inclusion values and training in federal agencies and federal contracts precipitated a wave of similar prohibitions at the state and local level, most notably in the education sector.¹ Like the Trump Administration’s “1776 Commission Report,” these efforts have attempted to propagate a narrow historical narrative of American exceptionalism in classrooms across the country. To enact this agenda, state legislatures have enacted a range of censorship measures that restrict honest, accurate, and inclusive examinations of American history. This censorship effort has had a chilling effect among educators, creating a climate of fear and caution that may severely limit students’ ability to fully explore American history.

The American Association for State and Local History (AASLH) has created this issue brief to provide an overview of what these classroom censorship laws do, where they came from, and how they are enforced. As we consider the relationship between public history organizations and

¹ The model for banning “critical race theory” and “divisive concepts” are in large part modeled on a September 2020 executive order from President Trump: <https://www.federalregister.gov/documents/2020/09/28/2020-21534/combating-race-and-sex-stereotyping>. See also: <https://www.vox.com/2020/9/24/21451220/critical-race-theory-diversity-training-trump>

K-12 and postsecondary history education, we hope to inform and engage our members while providing tools to respond both locally and nationally.

What are Educational Censorship Laws?

Educational censorship laws restrict how K-12 and postsecondary educators teach subjects related to race, racism, gender, sexuality, ethnicity, nationality, and/or other topics described as “divisive” by lawmakers. Between January 2021 and April 2022, 183 classroom censorship bills were introduced in forty-one states. Nineteen have become law in fifteen states, and four additional states have enacted bans via executive order or policy.²

Where Did They Come From?

Classroom censorship laws represent a backlash against historians, journalists, educators, and activists who have worked to bring a fuller version of American history to our public discourse and classrooms. New scholarship has examined the often-omitted experiences of minoritized groups along with the legal and social structures that have facilitated the maintenance of American inequity across time. This re-evaluation of historical narratives extends beyond the academy as well. In 2019, the groundbreaking *1619 Project* developed by *New York Times Magazine* journalist Nikole Hannah-Jones aimed to “reframe the country's history by placing the consequences of slavery and the contributions of Black Americans at the very center of the United States' national narrative.”³ These efforts reject the longstanding ideology of exceptionalism that has pervaded some traditional American historical narratives and, in turn, has sparked fierce opposition from some who believe that history education should go hand-in-hand only with celebratory remembrance. A 2021 national survey by the American Historical Association reports that 53% of Americans believe that history should celebrate the nation's past.⁴

However, that same survey suggests that classroom censorship laws—and the misleading, inaccurate histories they support—do not reflect the priorities of most American parents.⁵ Though a slim majority believed history should be celebratory, the AHA survey also found that most Americans believe it is important for learners to reckon with history that makes them uncomfortable⁶. Further, a national poll conducted by NPR and Ipsos finds that a majority of parents believe their child’s school teaches about race and sexuality “in a way that is consistent

² <https://pen.org/issue/educational-censorship/>

³ <https://www.inclusivityinstitute.org/resources/the-1619-project>

⁴ Peter Burkholder and Dana Schaffer, *History, the Past, and Public Culture: Results from a National Survey* (Washington, DC: American Historical Association, 2021).

⁵ <https://www.npr.org/2022/04/29/1094782769/parent-poll-school-culture-wars>

⁶ Peter Burkholder and Dana Schaffer, *History, the Past, and Public Culture: Results from a National Survey* (Washington, DC: American Historical Association, 2021).

with their values.”⁷ This suggests that the proliferation of classroom censorship legislation has been spurred primarily by elected officials and activists who have found political advantage in advancing polarizing social policy.

The manipulation of American history to mislead audiences and advance particular political agendas is not new, but the use of history in partisan politics has seen a powerful resurgence in the past few years. The publication of the *1619 Project*, for example, quickly generated doubt, discomfort, and ultimately scorn from conservative politicians and media, who spearheaded new legislation aimed at eliminating “indoctrination.” In practice, these bills serve to preserve nationalistic narratives that have long obscured the history of racism in America. This attack on “critical race theory” has resulted in broad but vague prohibitions on what can be taught in classrooms, creating an environment of fear and doubt that deters educators from broaching essential topics, like racism and discrimination, for concern about possible repercussions.

Classroom censorship laws are also part and parcel of a recent wave of transphobic and homophobic policies. In the past few years, a number of states have codified anti-trans discrimination by prohibiting residents from changing the sex on their drivers’ licenses; withholding state funding from schools whose sports teams support trans students; making it a crime for doctors to perform gender reassignment surgery or hormone replacement therapy on minors; and allowing for state child abuse inquiries into the families of trans children, among other dangerously intolerant policies. Other states have propped up discriminatory anti-gay laws under the guise of strengthening religious freedom.

These political trends have made their way into school curricula via censorship laws that target gender and sexuality education. This includes prohibiting classroom discussions of sexual orientation and gender identity, while also extending to the restriction of school staff trainings supporting gender or sexual diversity and banning books that advocate for LGBTQ+ rights or include LGBTQ+ characters.⁸

What Do They Ban?

Promoting “Certain Ideas”

Most states’ classroom censorship laws use vague language by banning “certain ideas” related to a race, sexuality, gender, ethnicity, and nationality. This is due in large part to the fact that many state laws draw from model legislation that, while parroting “anti-woke” ideologies, fails to clearly define the scope of their restrictions. When enacted, the vague prohibitions place on

⁷ <https://www.ipsos.com/en-us/news-polls/NPR-Ipsos-Parent-Child-Education-04282022>

⁸ <https://www.npr.org/2022/04/10/1091543359/15-states-dont-say-gay-anti-transgender-bills>;
<https://pen.org/banned-in-the-usa/>

educators and local administrators the difficulty responsibility of discerning legislative intent and detecting violations.

Bans of this nature include the following:

- South Carolina, South Dakota, Idaho, Tennessee, Iowa, New Hampshire, Texas, Mississippi, and Florida have banned the teaching of “certain ideas” relating to race, sexuality, gender, ethnicity, nationality, and/or racial injustice in K-12 schools.
- Georgia has outlawed the promotion of “certain concepts related to race or US history” in classrooms.
- Tennessee, Florida, Mississippi, and South Dakota have banned public college and university professors from “compelling” students to adhere to “certain ideas” about race, sexuality, gender, ethnicity, and nationality.
- Texas has placed a ban on teachers “compelling” students “to discuss a particular current event or widely debated and currently controversial issue of public policy or social affairs.”

Don't Say Gay Bills

Florida has led the way in passing what opponents have termed “Don't Say Gay” bills, which outlaw instruction related to sexual orientation or gender identity that the state has deemed to be not “age-appropriate.” During a press conference ahead of the signing of the bill in March 2022, Florida governor Ron DeSantis told reporters that teaching kindergarten-aged kids that “they can be whatever they want to be” was “inappropriate.”⁹

Over a dozen other states have introduced similar legislation.¹⁰ A bill that failed in Kansas would have made it a class B misdemeanor for a teacher to use any material in the classroom depicting homosexuality.¹¹ A similar bill introduced in South Carolina would have prohibited teachers from discussing “sexual orientation,” “transgenderism,” or “gender identity” without parental consent.¹²

While a number have failed, laws of this nature have been passed in Florida, Alabama, Tennessee, and South Dakota.¹³

⁹ <https://www.npr.org/2022/03/28/1089221657/dont-say-gay-florida-desantis>; See also: In addition to the “Don't Say Gay” bill, Florida has funded civic “boot camps” for teachers that put forth that the Founding Fathers did not support the separation of church and state.

¹⁰ <https://www.npr.org/2022/04/10/1091543359/15-states-dont-say-gay-anti-transgender-bills>

¹¹ <https://pen.org/educational-gag-orders-target-speech-about-lgbtq-identities-with-new-prohibitions-and-punishments/>

¹² <https://pen.org/educational-gag-orders-target-speech-about-lgbtq-identities-with-new-prohibitions-and-punishments/>

¹³ <https://19thnews.org/2022/07/florida-dont-say-gay-other-anti-lgbtq-bills-take-effect/>

Teaching about Systemic Injustice

Many classroom censorship laws aim to obscure the history of racism in America with bans on educational materials that accurately teach about American slavery and racial discrimination.

Bans of this nature include the following:

- North Dakota has banned teaching in K-12 classrooms “that racism is systemically embedded in American society and the American legal system.”
- South Dakota prohibits instruction that calls meritocracy or a strong work ethic racist or sexist.
- Mississippi has banned teaching that students of different races have distinct experiences because of their race.
- Florida has banned classroom instruction that “indoctrinate(s) or persuade(s)” students to believe ideas related to past racial injustice.
- Texas has banned the teaching of the *1619 Project* or, as worded in the bill, “requiring an understanding of” the *1619 Project*.

These vague laws not only promote dishonest narratives about American history, they have a chilling effect on educators who may avoid important topics because of uncertainty about how new restrictions will be enforced. This self-censorship among teachers could potentially leave students with serious gaps in their American history knowledge. For example, PEN America reported that a high school teacher in Iowa was unwilling to explain the purpose of the Three-Fifths Compromise, leaving high school students confused about its purpose.¹⁴ With teachers across the country fearing the loss of their jobs, revocation of their teaching licenses, or legal action against them, a new climate of caution and self-censorship is promoting history instruction that diminishes complexity and deeply limits understanding of major themes in the American past.¹⁵

Topics that “Place Blame”

In 2021, State Representative Kevin West of Oklahoma decried that critical race theory encourages students “to hate American exceptionalism and distrust others based on skin color or gender.”¹⁶ West’s statement represents a political sentiment that has precipitated bans on instructional material that “place blame.”

¹⁴<https://pen.org/for-educational-gag-orders-the-vagueness-is-the-point/>

¹⁵ <https://pen.org/for-educational-gag-orders-the-vagueness-is-the-point/>;
<https://www.npr.org/2022/02/03/1077878538/legislation-restricts-what-teachers-can-discuss>;
<https://www.washingtonpost.com/education/2022/04/08/teachers-afraid-attacked-for-romeojuliet/>;
<https://www.usnews.com/news/education-news/articles/2021-12-13/teachers-parents-file-lawsuit-against-new-hampshires-divisive-concepts-law>

¹⁶<https://www.kjrh.com/news/local-news/gov-stitt-signs-bill-limiting-race-gender-curriculums-in-oklahoma-schools>

Bans of this nature include the following:

- Arizona has banned teachers from placing so-called "blame or judgment" on the basis of race, ethnicity, or sex.
- Oklahoma prevents K-12 schools from teaching “an individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive” or “bears responsibility for actions committed in the past by other members of the same race or sex.”

A bill that died during the most recent Missouri legislative session would have banned instruction that “place(s) blame on categories of individuals.”¹⁷

How Are They Enforced?

“Transparency Measures” for K-12 Parents

In most states, classroom censorship laws include transparency measures that allow parents to monitor school libraries and curriculum materials. To that end, a number of laws require that instructional materials be presented “in a searchable format” on school or school district websites. While pro-censorship politicians frame these requirements as expansions of parents’ rights, in practice they grant disproportionate authority to a minority of parents who subscribe to “anti-wokeness” by opposing accurate, critical, and inclusive instruction.

Reporting by College Students

In Florida, state college students are now required to fill out surveys indicating the political leanings of each of their professors.¹⁸ Additionally, a new bill in Oklahoma, if passed, would establish a hotline for college students to report professors who express beliefs that run counter to students’ “closely held religious beliefs.”¹⁹

Legal Action

Legal action against teachers and librarians has become another means of enforcement. In Florida, for example, the Stop WOKE Act has authorized parents to sue school districts they believe to be in violation of the state’s classroom censorship laws.²⁰

Book Bans

Enforcement also involves bans on books that promote an understanding of “divisive concepts.” For example, as of March 2022, one or more books by Toni Morrison have been banned in ten

¹⁷ <https://mostpolicyinitiative.org/wp-content/uploads/2022/01/V2-Discussing-Race-Racism-in-Schools.pdf>

¹⁸ <https://www.wnyc.org/story/ron-desantiss-higher-ed-agenda>

¹⁹ <https://pen.org/educational-gag-orders-target-speech-about-lgbtq-identities-with-new-prohibitions-and-punishments/>

²⁰ <https://thehill.com/homenews/state-watch/586010-desantis-unveils-legislation-to-let-parents-sue-schools-that-teach/>

states. Other especially well-known banned books include *Of Mice and Men* by John Steinbeck, *The Color Purple* by Alice Walker, *The Kite Runner* by Khaled Hosseini, *I Know Why the Caged Bird Sings* by Maya Angelou, *The Handmaid's Tale* by Margaret Atwood, among many others. (Pen America's Index of School Book Bans)²¹

Conclusion

The damping effect of classroom censorship laws put our students at serious risk of historical illiteracy, among other deficits. In a joint statement opposing classroom censorship laws, the American Association of University Professors, the American Historical Association, the Association of American Colleges & Universities, and PEN America wrote the following:

Legislation cannot erase 'concepts' or history; it can, however, diminish educators' ability to help students address facts in an honest and open environment capable of nourishing intellectual exploration... The purpose of education is to serve the common good by promoting open inquiry and advancing human knowledge. Politicians in a democratic society should not manipulate public school curricula to advance partisan or ideological aims.²²

As history organizations, we must consider how to advocate for historical honesty in schools and beyond, support our classroom teachers and students, center censored histories in our own organizations, and expand our organizational reach, using our unique access to primary sources, historic places, and perspectives to do this work.

²¹ <https://pen.org/banned-in-the-usa/#trends>;

²² <https://www.historians.org/divisive-concepts-statement>