

# The Legal and Policy Implications of Teaching Critical Race Theory

As schools continue to grapple with critical race theory critics, educators across the U.S. are being forced to navigate a growing wave of legislation that prohibits teachers from teaching students about the role of racism, sexism and oppression throughout U.S. history.

Despite being under attack—lawmakers in at least 28 states are attempting to muzzle the way teachers educate students—critical race theory is a vital part of any school curriculum. It challenges ahistoricism and contextualism. As such, it remains an essential tool for understanding the history of U.S. racism and its linkages to today. It should also play a key role in shaping educational leadership policy that is visionary, critical, research-based and data-driven. The goal is to create a learning environment designed to prepare teachers, counselors, administrators, superintendents, principals and practitioners to work more effectively within the system.

At this moment, critical race theory is the lens through which the classroom is being viewed as a battleground. On the surface, it is seemingly about instruction, but it is more about controlling the historical narrative. It is not about seeking ways to improve the academic success of teachers through professional development and classroom resources, but about limiting the inclusion and discussion about people of color. Educational leadership policy is the blueprint for instilling critical debate and actions to advance policies and practices to make education more equitable through the lens of opportunity and academic outcomes. It is the tool that can be used to reshape critical race theory so that it can be explored and examined within K12 classrooms (this is particularly important because prior to this current debate, critical race theory was primarily discussed in law schools).

Education policy contributes to leadership by enhancing tangible solutions to address social inequality. It helps teachers develop a practical understanding of applying policy practices, coordinating with key stakeholders, and utilizing policy research. When this happens, teachers become more conversant with policy requirements, policy negotiation processes, the unintended consequences of policy outcomes, and the inputs and outputs of state and local officials. In short, they become more familiar with negotiating the political pushback around what they are teaching in their classrooms. The trajectory of educational equity policy has become more imperative in providing affectatious leadership to school leaders as policy change is substantial and rapid throughout the United States. Current diverging policy directions have displayed a significant need for educators to adopt equity values.

Equitable schools provide the climate and content that allow students and educators to perform at their highest potential. Since teaching is socially constructed, educators must understand the specifics of policy assurance and how teacher and student identities are formed. By conducting internal school policy audits, teachers can create critical thinking curriculum materials. Policy audits concerning educational equity streamline educational leadership policy by creating the following:

1. A clear mission statement including provisions to equitable universal design principles;
2. An inclusive learning environment with multicultural exhibitions;
3. Adequate space with the various socioeconomic, racial, ethnic, language, gender, and disability groups within the school community; and,

4. A partnership network with parents, professional societies, and civic organizations to enhance the curriculum and opportunities for all students.

Even though educators must deliver educational services that align with federal, state, and local strictures, they have (and should continue to have) the freedom to introduce racialized historical topics designed to challenge their students and help them grow. This debate about whether teachers should teach these topics is taking place in the media, in congress, in courtrooms, in school board meetings, and around dinner tables. The legal parameters of providing equitable education have divided teachers, students, parents, and administrators. Therefore, educators desiring to integrate critical race theory do so within a highly contentious environment, particularly if they live in states where the politicians have taken a public stand against critical race theory.

Educational leaders must recognize the body politic associated with the education system. Since the governance leadership turn-over rate constantly changes, educational leadership policies are frequently adjusted to mirror political enterprises and interests. The progression of educational leadership policy rests on the political motives for shifting control over education by some city and state politicians in local contexts. Teachers must function as vehicles of change and must have both the freedom and the support to do so. Policy decisions can be streamlined by creating this type of synergistic relationship between teachers; educational activists and parents on the ground; and local, state, and federal policymakers. This is the primary role of educational leadership, working to make this type of system possible.

Given that the components of educational leadership policy are integral in strengthening leadership techniques within education and that critical race theory is in the crosshairs, teachers must be trained in how to use critical race theory to teach about history. It is not enough for them to have a mere introduction to the terminology; professional development must undergird this adoption as a teaching tool. These are the types of decisions that determine and influence curricula and classroom instruction. Teachers are charged with making essential content decisions; they should be encouraged to make decisions that offer their students a more diverse view of the world. Therefore, educational leadership policy is more relevant in the current hyper-political landscape and more necessary because it can provide and support a needed space for melding critical race theory tenets into the existing curricula.

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