Bellwether

Common Ground

How Public K-12 Schools Are Navigating Pandemic Disruptions and Political Trends

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Introduction

This document is the first of a semi-annual "stocktaking" publication to analyze various political trends impacting education and young people. Bellwether hopes to help the field separate signal from noise and provide context around various issues and trends affecting the sector.

The impact of COVID-19 school closures on schools and students, which we're only starting to understand, was an obvious starting place for our first project. But while the pandemic has dominated our attention for the past several years, it's not the only issue in American life. Other issues are stressing Americans, such as mass shootings, inflation, mental health needs, and racism, to name a few. Because schools are institutions that transfer culture and norms and one of the last public venues where Americans regularly come together, schools are often battlegrounds for society's various debates.

We focus on six issues related to pandemic disruptions and broader cultural debates:

1. School Enrollment
2. Student Achievement
3. Student Discipline
4. Guns and School Safety
5. Race and Racism
6. LGBT Rights

Each topic begins with an overview of the data and research at a societal level, then takes a closer look at how it is affecting the education sector and how schools are navigating it.

We hope the data shared here will help stakeholders have a starting point for discussion of complicated questions.

Our goal is to provide a clear fact base for discussion about complicated issues. It is not to suggest "right" answers on contested questions. We present a great deal of public opinion data not because we believe the majority position is axiomatically the correct one but rather because understanding the landscape is essential. Reasonable people can and will disagree about the best remedies or policies for much of what we describe here. Instead, we seek to establish a common fact base on the premise that **understanding the landscape is the first step toward successfully navigating it**.

"Everybody is entitled to his own views;
everybody is not entitled to his own facts."

—JAMES R. SCHLESINGER, FORMER U.S. SECRETARY OF DEFENSE

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Since the pandemic began, both school enrollment and student achievement are down across the country.

School Enrollment

- Nationally, public school district enrollment dropped 5% from 2019-20 to 2021-22. All grade levels saw declines, but the impact was most acute in pre-K and K.

- Districts that stayed remote longer and those with stricter mask mandates lost a higher percentage of students.

- Enrollment declines were much more pronounced in urban communities, which tend to be predominantly blue.

- Enrollment grew in other school sectors, including charter schools, private schools, virtual schools, and home-schooling.

Student Achievement

- The percentages of students meeting state and national proficiency benchmarks on assessments are down in both reading and math, but more dramatically in math.

- Red states offered their students the opportunity to attend many more days of in-person learning; more opportunities for in-person learning are associated with smaller drops in achievement.

- Students of color and students from low-income families experienced disproportionate learning loss during the pandemic, further exacerbating long-standing gaps.

- Early data from spring 2022 offers some signs that achievement is starting to rebound, though gaps remain.

Schools are struggling with student behavior; school safety concerns are on the rise.

Student Discipline

- Over the past decade, schools have reported increasing rates of classroom disorder and student disrespect of teachers; these and other undesirable behaviors appear to be increasing post-pandemic.

- The public generally sees teachers as unprepared to address student discipline, while teachers point to multiple challenges facing students outside the classroom.

- Exclusionary discipline disproportionately affects male students, Black students, and students with disabilities; it also is correlated with poor academic and long-term outcomes.

- Restorative practices may be a promising alternative to exclusionary discipline, but the research is far from settled.

Guns and School Safety

- The U.S. has more guns than people and more guns per capita than anywhere else in the world; guns have become the leading cause of death for young people ages 1-19.

- Gun purchases and gun violence increased throughout the pandemic.

- Americans generally favor stricter gun control laws, but there's no consensus about what those laws should do.

- Some states have taken up the issue very recently, and Congress' new gun safety law provides funding for community and school-based programming.

- School shootings are top of mind in the aftermath of Uvalde, Texas, and while horrifying, their prevalence varies widely depending on how a "school shooting" is defined.

Social issues have reemerged as a flashpoint.

Race and Racism

- Race and racism emerged as a focus of education leaders following the murder of George Floyd by police in Minnesota.

- Spending on diversity, equity, and inclusion (DEI) consultants and initiatives increased dramatically — leading to some quality problems.

- As DEI work became more prevalent, tension and confusion began to surface.

- Critical race theory (CRT) emerged as a catchall for everything related to DEI, social justice, race, and racism.

- Conservative backlash led to a presidential Executive Order (EO) banning DEI trainings during the Trump administration that sparked similar language in state laws and regulations.

- Teaching U.S. history continues to be a point of contention in schools.

LGBT Rights

- Overall, Americans have become more accepting and supportive of LGBT Americans and social and legal changes have led to greater inclusion.

- In the K-12 system there are debates about curriculum, in particular at what age it is appropriate to teach about ideas like gender theory. For transgender students there are debates about bathroom policy, locker room access, sports participation, and name and pronoun use in schools and school records.

- Views vary on these issues, although in general younger and more left-leaning Americans are in favor of a more expansive view of sexuality, gender, and rights and there is less support for teaching young children these issues relative to older students.

Across this range of issues, six common themes emerged:

Implementation matters.

Some of today's biggest flashpoints are in part a story of poor change management or a lack of support for practitioners. For example, the primary alternative to exclusionary discipline practices, restorative justice, falls apart if teachers lack training, resources, and support to effectively implement it or if it leads to disorder in schools.

Much of the backlash to teachers' efforts to teach about racism in the classroom or to DEI trainings comes from lessons and programs that are poorly designed and poorly implemented, often because of limited or nonexistent resources and support or politicized approaches. Many of the challenges students and teachers faced while navigating virtual learning during the pandemic resulted from a lack of training and resources to do it well.

Definitions matter.

Vague and imprecise language confuses conversations about key political issues. Have there been hundreds of school shootings or just a small handful? Are K-12 schools actually teaching CRT, or are we arguing more broadly about how to teach about contentious issues? Getting clear on how terms like these are defined and being used is key to a more accurate and inclusive debate.

Loud voices often obscure general sentiment.

In a liberal democracy like ours, broad sentiment can be thwarted by organized special interests. A majority of Americans favor background checks for firearm purchases, for example, but special interest groups spend millions of dollars lobbying policymakers against those policies. Polling data consistently suggests that parents are generally happy with their schools, including how they teach about American history and issues of racism, and generally agree on these issues. Yet there's a concerted effort by many advocacy groups to focus on banning certain books or curricula.

School leaders must make time-bound decisions in the face of enormous cross-pressures and, often, conflicting data and input.

When facing decisions about complex issues, there's rarely an obvious "right" answer. When and how to return to in-person learning is a prime example of this. School leaders had little hard data to guide them in making a decision, and wildly differing perspectives and opinions from students, parents, staff members, community members, politicians, and the media. On student discipline, while there's clear data pointing to the adverse impact of suspensions and expulsions, there's little pointing to a clear alternative. Yet parents and teachers expect orderly schools. Public understanding of issues involving transgender youth is rapidly changing, yet school officials must address situations in the here and now.

There are clear partisan divides on many of these key issues.

Across many of the issues discussed here, people living in red states are having very different experiences than those living in blue states. Red states (and red communities within other states) returned to in-person learning much more quickly than blue states and communities, and as a result in some cases saw smaller drops in post-pandemic student achievement. Red states are overrepresented among the set of states passing laws restricting how schools and teachers address racism as well as among the states debating issues like sports participation for transgender students. Blue states are overrepresented among the states taking action on gun safety. However, there is also evidence that people's perceptions of what their political opponents believe is skewed – and that people are not entirely honest about their views in ways that are not predictably right or left.

Pandemic-related school closings cast a long shadow.

Although schools are open again, the effects of school closures are not only found in declines in student achievement and student mental health. Lingering hard feelings about school closures are still influencing our politics. People's views about other contested issues, for instance teaching about race and racism or transgender student rights, are intensified by their feelings about school closures.

11   **Sources**: *The New York Times*, "'Channeling the Mama Bear': How Covid Closures Became Today's Curriculum Wars," 2022; More in Common, "Diffusing the History Wars," 2022.

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School Enrollment

The closure of schools to in-person learning in spring 2020 had an immediate, and potentially long-lasting, effect on student enrollment:

- Nationally, enrollment in public school districts dropped 5% from 2019-20 to 2021-22, meaning that nearly **2.5M students left their public school districts**. Declines were **concentrated in pre-K and K**.

- Districts that **stayed remote longer lost a higher percentage of students** than those that returned to in-person learning more quickly, **as did districts with stricter mask mandates**.

- Enrollment declines were much **more pronounced in blue states** and in districts located in counties that voted for Biden in 2020 (though it's important to note that factors other than politics — like urbanicity — likely also played a role in how these communities and their schools responded to the pandemic).

- While available data do not enable student-level tracking, **enrollment growth in charter schools, private schools, virtual schools, and home-schooling** suggests that many of the 1.3M students who left their local school districts found other options.

- Support for school choice **is high among parents**, suggesting families are open to seeking options outside of their traditional public school district.

- If enrollment declines are permanent, they will have **lasting impacts on districts' finances, facilities plans, and staffing needs**.

The U.S. recorded its first COVID-19 case in January 2020; by late March, nearly all public schools were closed to in-person learning.

Timeline of COVID-Related Public School Closures in the U.S.
January to May 2020

| JAN. 19 | FEB. 25 | FEB. 27 | MAR. 11 | MAR. 12 | MAR. 16 | MAR. 17 | MAR. 25 | MAR. 27 | APR. 02 | MAY 06 | MAY 20 |

Above the line:

- **JAN. 19** — The first recorded COVID-19 illness in the U.S.
- **FEB. 27** — Bothell High School in Washington state is the first school to close due to COVID
- **MAR. 12** — Ohio is the first state to announce statewide school closures
- **MAR. 17** — Kansas becomes the first state to close for the remainder of the 2019-20 school year (SY)
- **MAR. 27** — Congress passes the CARES Act, providing 13.2B to states and local school districts
- **MAY 06** — Nearly all states order or recommend school buildings to be closed for the remainder of the academic year (only Montana and Wyoming choose not to close)

Below the line:

- **FEB. 25** — Centers for Disease Control and Prevention (CDC) warns schools to prepare for "tele-schooling"
- **MAR. 11** — World Health Organization declares COVID-19 a pandemic; more than 1M students are impacted by school closures
- **MAR. 16** — Twenty-seven states and territories issue orders or recommendations to stop in-person learning; more than half of students in the U.S. are impacted by closures
- **MAR. 25** — Idaho and the DoD become the last to close all public schools; all U.S. public school buildings are now closed
- **APR. 02** — All states are excused from federally required statewide testing
- **MAY 20** — CDC issues first guidance on reopening schools

Sources: EdWeek, "Forever Changed: A Timeline of How COVID Upended Schools," 2022; AJMC, "A Timeline of COVID-19 Developments in 2020," 2021; EdWeek, "The Coronavirus Spring: The Historic Closing of U.S. Schools (A Timeline)," 2020.

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Over the course of the pandemic, enrollment in public school districts declined nearly 5%.

Change in Public District School Enrollment
School Years 2019-20 to 2021-22
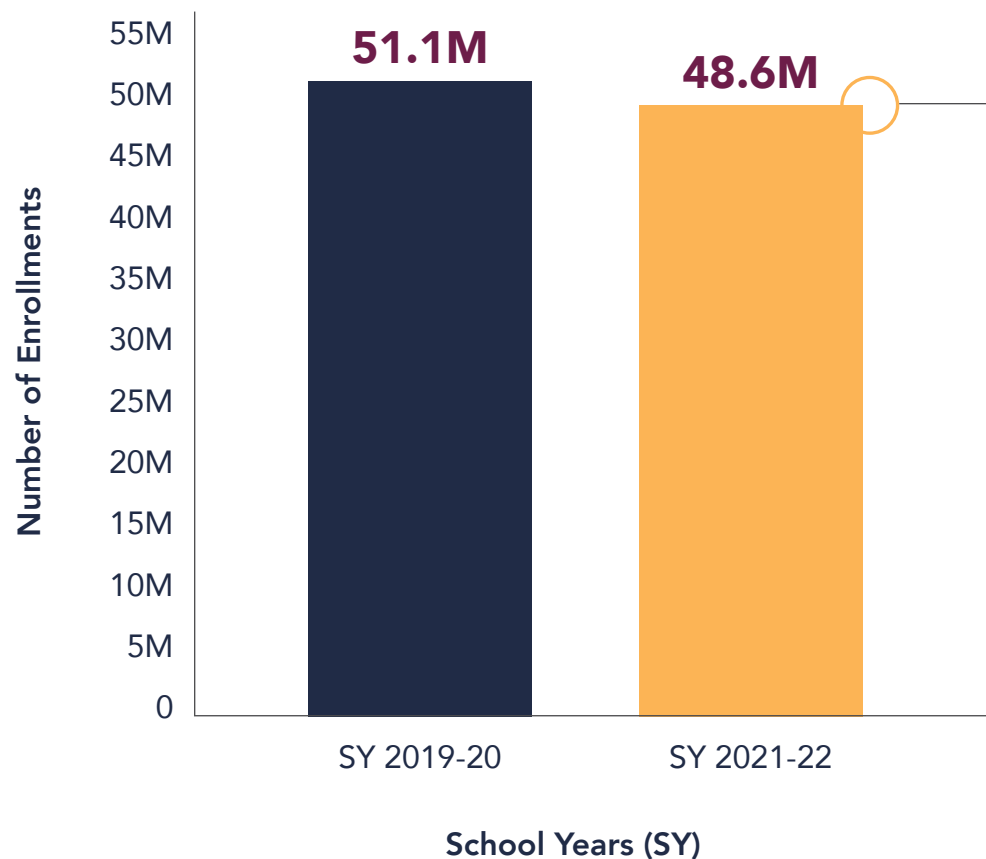
A 5% decline in enrollment means that nearly **2.5 million students** left public school districts between SY 2019-20 and 2021-22 — or about **1 out of every 20 students**.

These enrollment declines were concentrated in the early grades.

Change in School Enrollment by Grade
Fall 2019 to Fall 2020

Enrollment drops in pre-K and K accounted for approximately 49% of the total enrollment declines, pre-K-12.

Source: National Center for Education Statistics, "Table 203.10," 2022.
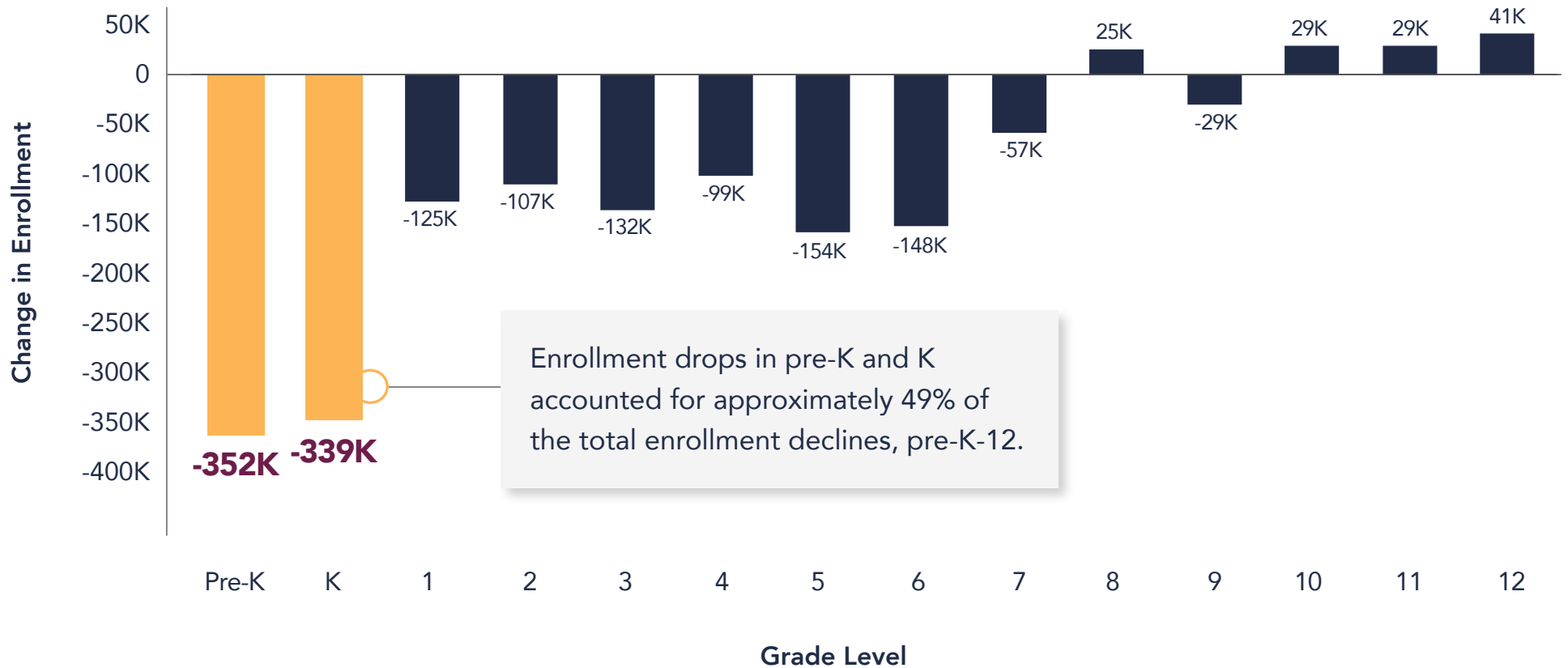
Districts that stayed remote longer and those that enforced masking saw greater declines.

Percent Change in Enrollment Based on Instructional Status
SY 2019-20 to 2021-22
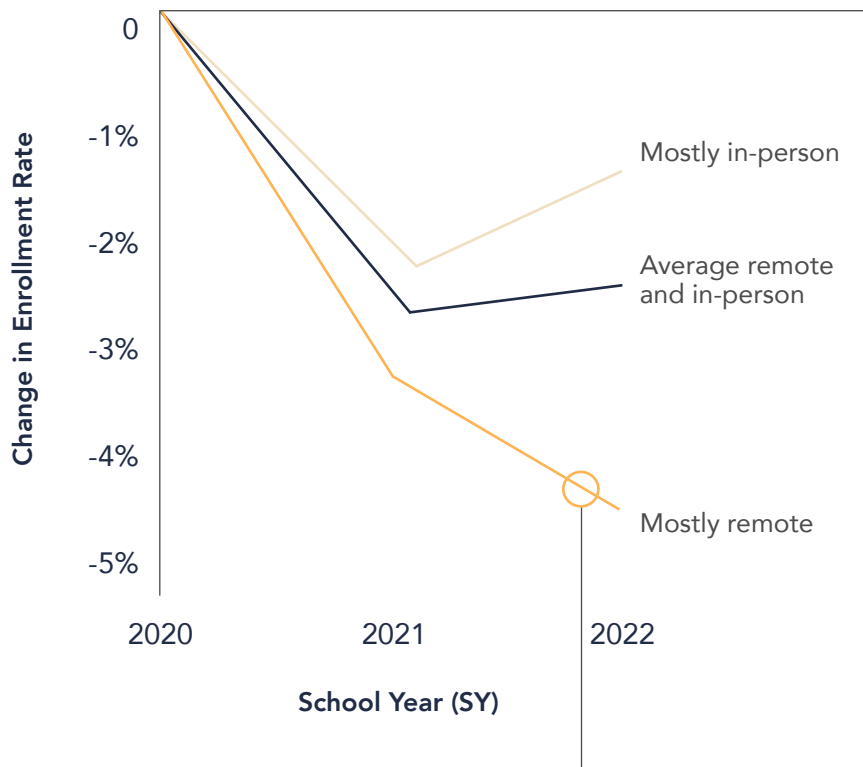
The most remote districts lost nearly 1 out of every 22 students. Remote and hybrid districts lost students as well but saw a slight rebound in enrollment into SY 2021-22, while the most remote districts continued to lose students.

Percent Change in Enrollment Based on Mask Usage
SY 2019-20 to 2021-22
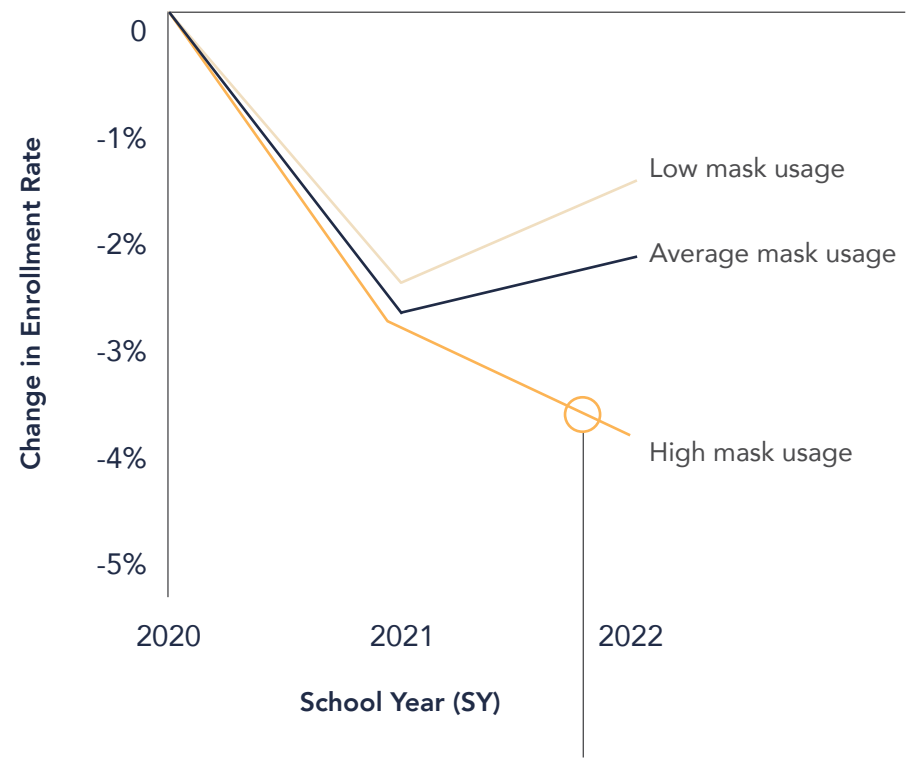
Districts with high mask usage lost 1 out of every 25 students. Districts with less-strict mask usage lost fewer students initially and saw their enrollment rebound slightly into SY 2021-22.

Source: American Enterprise Institute, "Return to Learn Enrollment Tracker," 2022.

Enrollment declines were more pronounced in blue states and communities compared to red.

Percent Change in Enrollment Based on County's Vote in the 2020 Election
SY 2019-20 to 2021-22

Change in Enrollment Rate

Trump districts

Biden districts

2020   2021   2022

School Year (SY)

Change in Enrollment Based on State's Political Leaning
SY 2019-20 to 2021-22

Number of Enrollments

20M
15M
10M
5M
0M

-1%
17M   16.8M

-5%
7.8M   7.4M

2019-20   2021-22   2019-20   2021-22

Red States   Blue States

Political Leaning
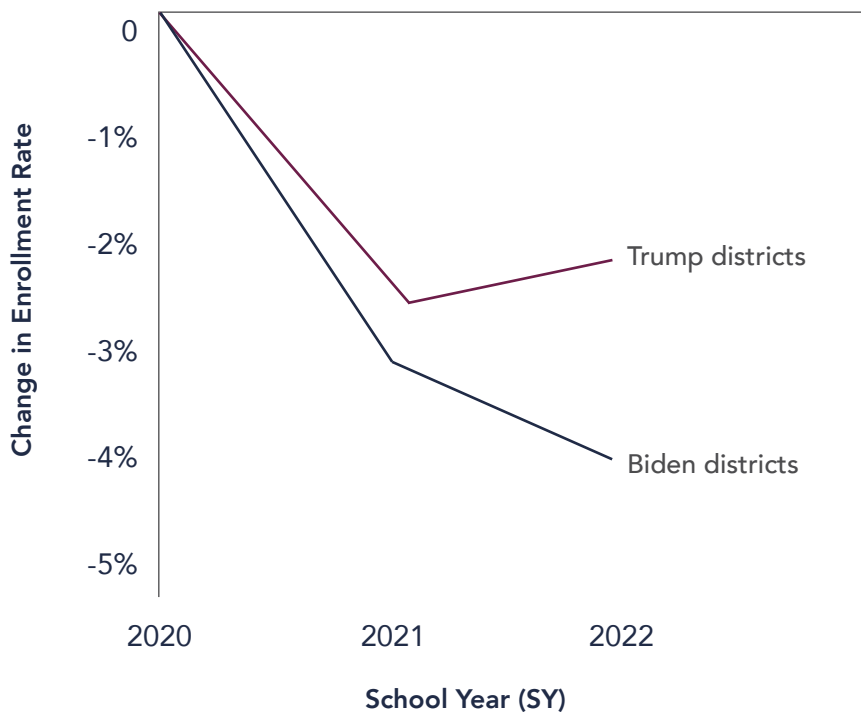
In 2021, school districts in counties that voted for Trump lost fewer students than those in counties that voted for Biden. Enrollment in Trump-voting districts rebounded into 2022, while Biden-voting districts continued to decline, losing nearly 1 out of every 25 students since the beginning of the pandemic.

Red states combined lost just 1 out of every 100 students compared to blue states, which collectively lost 1 out of every 20 students.

Note: See Appendix slide 107 for a description of how red and blue states are defined. *Sources*: Trump- and Biden-voting county data from American Enterprise Institute, "Return to Learn Enrollment Tracker," 2022; Percent change based on state's political leaning based on author's calculation based on data from the National Center for Education Statistics, Common Core of Data, state-level files for SY 2019-20 and 2020-21.

Blue states are overrepresented among those with the largest enrollment drops; several red states saw enrollment increases.

Bottom Six and Top Six States by Percentage Change in Enrollment
SY 2019-20 to 2021-22

Of the six states with the highest rates of enrollment loss, three are blue states and one is a red state. Among the six states that experienced the least enrollment loss (and in fact gained students), five are red.

Y-axis: Change in Enrollment Rate
X-axis: States

Values: OR -9.4%, KY -5.5%, NY -5.4%, MS -5.2%, CA, HI -4.4%, PA 0.4%, AL 0.5%, ND 0.6%, UT 0.9%, ID, SD 1.0%

Note: Navy bars indicate blue states and plum bars indicate red states based on the definition in Appendix slide 107.
Source: National Center for Education Statistics, Common Core of Data, state-level files for SY 2019-20 and 2020-21.

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As enrollment in public district schools decreased, enrollment in public charter and virtual schools increased.

Percent Change in Enrollment in Charter Schools
SY 2019-20 to 2021-22
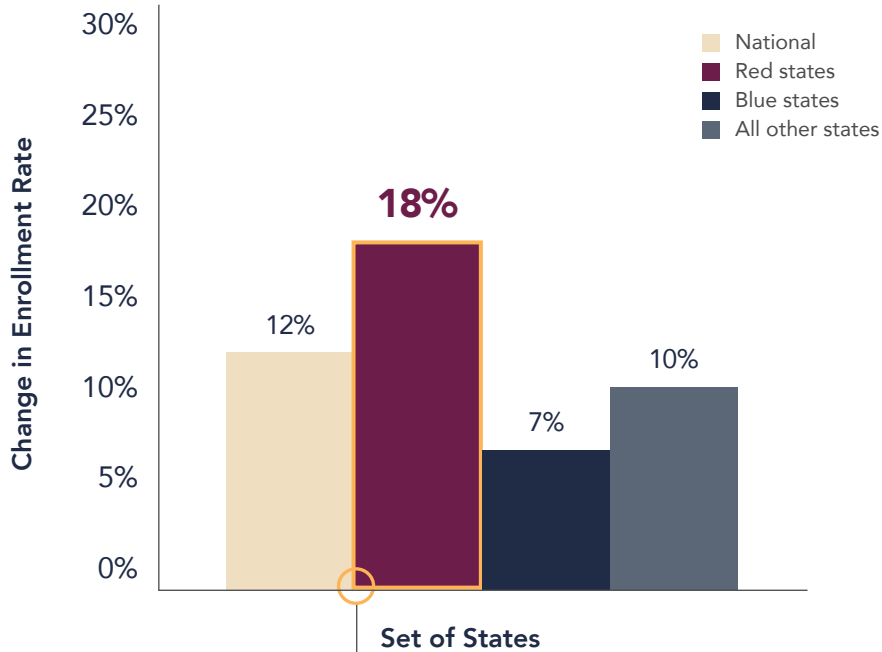
Charter school enrollment rose nationally over the course of the pandemic, with red states driving much of the increase.

Percent Change in Enrollment in Virtual Schools
SY 2018-19 to 2019-20
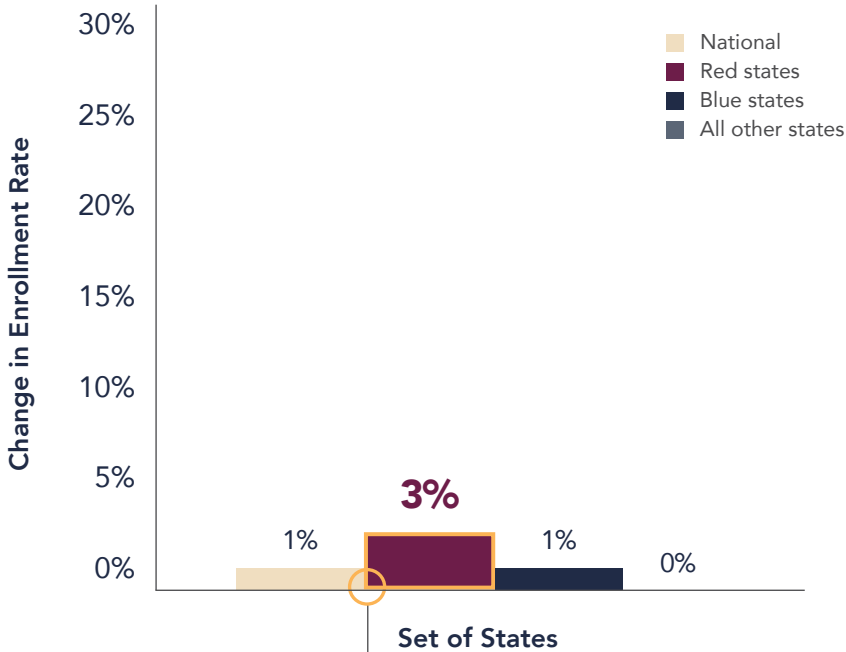
Red states also outpaced blue states and the nation as a whole in terms of virtual school enrollment increases.

Note: Some virtual schools are also charter schools; these data include all public schools labeled as full-time virtual schools.
Sources: Charter and virtual school data from National Center for Education Statistics, "Elementary and Secondary Information System," 2022.

Independent school enrollment declines have rebounded slightly; Catholic school enrollment is still below pre-pandemic levels.

Enrollment in Private Catholic and Independent Schools
SY 2017-18 to SY 2021-22
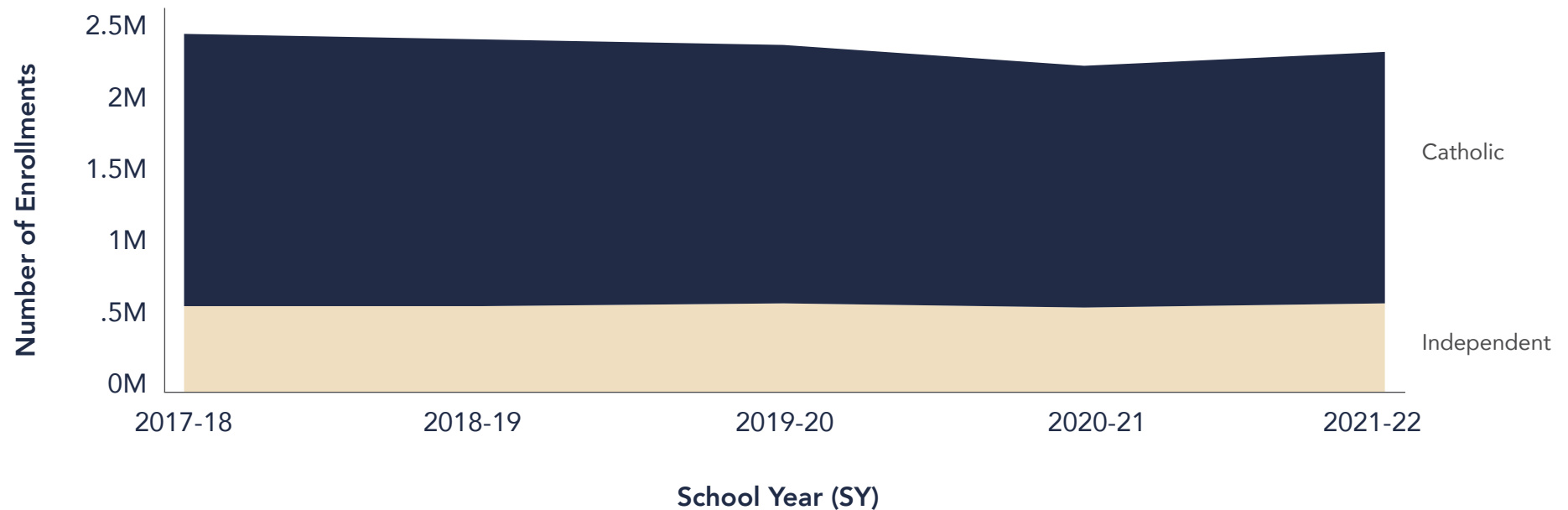
Prior to the pandemic, enrollment in Catholic schools had been on a decades-long decline. Enrollment dropped 6.4% in SY 2020-21, the largest single-year decline in more than a half-century. While enrollment remains below pre-pandemic levels, in 2021-22 it increased nearly 4% — the largest increase in nearly two decades.

Enrollment in independent schools* was increasing prior to the pandemic. These schools, too, saw a drop in enrollment of approximately 4% in school year 2020-21. Enrollment rebounded above pre-pandemic levels in SY 2021-22.

Note: Independent school data includes only schools that are members of the National Association of Independent Schools. *Sources*: National Center for Education Statistics, "Table 2," 2022; National Catholic Educational Association, "Data Brief: 2021-2022 Catholic School Enrollment," 2022; National Catholic Educational Association, "NCEA Releases 2020-2021 Data on State of Catholic Schools Amid COVID-19," National Association of Independent Schools, "Facts at a Glance," 2018, 2019, 2020, 2021, 2022.

Home-schooling rates also increased substantially during the pandemic, though long-term trend data are limited.

Collecting data on home-schooling is incredibly difficult.

In many states, parents are not required to notify the state or local district of their intent to home-school, meaning that data — such as counts of home-schooled students — are simply nonexistent. Survey data tend to be the best sources of data, but relying on parents' self-reports of their students' schooling arrangements is not entirely reliable, as home-schooling can mean different things to different people (i.e., some parents may consider a student who is enrolled in a virtual school but learns at home to be home-schooled, while others would not consider this home-schooling).

Nonetheless, national data show home-schooling rates rising consistently from 1999 to 2012, leveling out around 3%. When the pandemic hit, however, numbers began to increase again. National Center for Education Statistics' 2020-2021 Household Pulse Survey, which reports parent-reported data on the status of their children's educations, found that just over 5% of children were reported to be home-schooled across the country.

The U.S. Census Bureau offers some insight into how the pandemic has shifted home-schooling rates.

Since the beginning of the pandemic, the Census Bureau has conducted a weekly survey of households, including questions about schooling arrangements. Unsurprisingly, these surveys show a marked increase in the rate of home-schooling.

In spring 2020, just over 5% of U.S. households with school-aged children reported they were home-schooling their children. By that fall, 11% of families reported they were home-schooling. The proportion of Black and Hispanic families reporting they were home-schooling increased more than other racial and ethnic groups, as seen in the chart to the right.

Change in Rate of Parent-Reported Home-Schooling, by Race
Weeks of April 23 and Sept. 30, 2020

Legend:
- Week of April 23
- Week of Sept. 30

Y-axis: Rate of Parent-Reported Home-Schooling
X-axis: Race/Ethnicity

Race/Ethnicity	Week of April 23	Week of Sept. 30
Hispanic of any race	6%	12%
Non-Hispanic white	6%	10%
Black alone	3%	16%
Asian alone	5%	9%
Other race	6%	12%

Sources: Coalition for Responsible Home Education, "Homeschooling by the Numbers," 2022; United States Census Bureau, "Homeschooling on the Rise During COVID-19 Pandemic," 2021; National Center for Education Statistics, "Table 206.10," 2022; National Center for Education Statistics, "Homeschooled Children and Reasons for Homeschooling," 2022; Census Bureau, "Census Bureau's Household Pulse Survey Shows Significant Increase in Homeschooling Rates in Fall 2020," March 22, 2021.

More parents indicate switching to home-schooling post-pandemic compared to pre-pandemic.

Type of School Switches Parents Report Making Pre- and Post-Pandemic
2022

Legend:
- ■ Pre-pandemic
- ■ Post/during pandemic

Rate of Parent-Reported School Switches (Y-axis: 0% to 50%)

Type of School Switch	Pre-pandemic	Post/during pandemic
Public district to public charter	27%	14%
Public district to home-school	18%	29%
Private to public district	17%	11%
Public district to private	16%	12%

Pre-pandemic, the most common switch parents made was from a public district school to a public charter school. That changed during and in the aftermath of the pandemic, when a higher percentage of parents report switching from a public district school to home-schooling.

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Parental support for school choice is high overall ...

Do You Support or Oppose School Choice?
2022

Legend: Support | Neither support nor oppose | Oppose

Respondents

	Support	Neither support nor oppose	Oppose
General public	49%	22%	29%
Parents	52%	20%	27%
Republicans	60%	19%	22%
Democrats	41%	23%	36%

Distribution of Responses
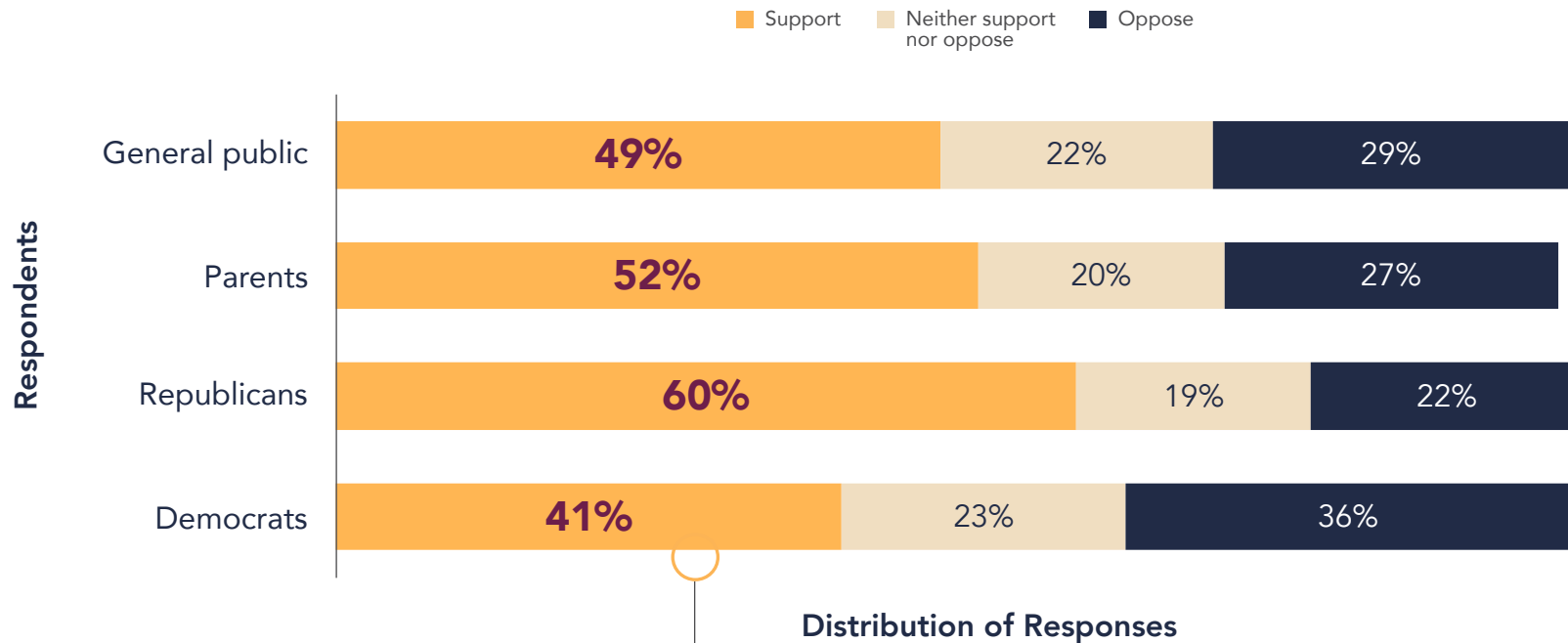
49% of the general public and 52% of parents support school choice. Republicans are generally more supportive of school choice than Democrats; however, two out of every five Democrats support school choice.

Note: Percentages may not sum to 100 due to rounding. *Source*: Education Next, "Results from the 2022 Education Next Survey," 2022.

… and for specific choice mechanisms, suggesting potential for parents to continue to choose non-district options.

Percent of Parents Supporting School Choice Options
Education Next Survey, 2022

Legend: Support | Neither support nor oppose | Oppose

Distribution of Responses

School Choice Option	Support	Neither support nor oppose	Oppose
Charter schools	51%	20%	29%
Tax credits	66%	12%	21%
Universal vouchers	57%	9%	34%
ESAs*	51%	12%	38%
Home-schooling	57%	17%	26%

School Choice Options
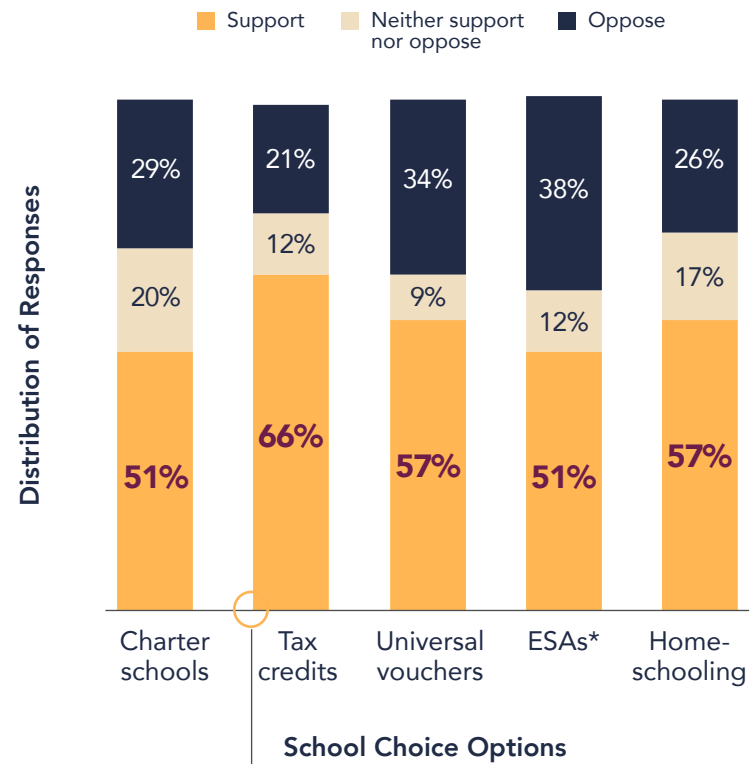
> More than half of adults surveyed support each type of school choice policy.

Percent of Parents Supporting School Choice Options
Morning Consult/EdChoice Survey, Oct. 7-9, 2022

Legend: No description | With description

Rate of Parent Support

School Choice Option	No description	With description
ESAs	43%	72%
School vouchers	45%	66%
Charter schools	51%	68%
Open enrollment	49%	69%

School Choice Options
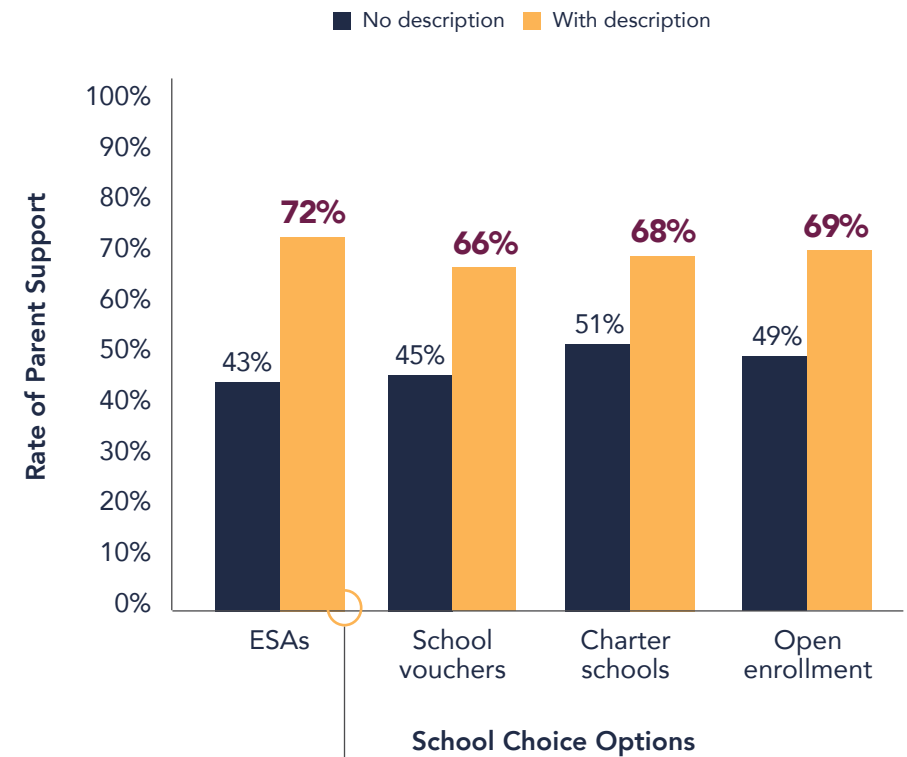
> Support for all types of school choice policies increases when respondents are provided with descriptions of the policy.

Note I: ESA is an Education Savings Account. *Note II*: Percentages may not sum to 100 due to rounding. *Source*: Education Next, "Results from the 2022 Education Next Survey," 2022; Morning Consult/EdChoice, The Public, Parents, and K-12 Education: A National Polling Report, October 2022.

Though federal relief dollars may help slow enrollment declines, they will have lasting effects on public school districts.

There are three primary ways that enrollment declines will affect schools moving forward:

School Finance

State education funding formulas rely on student population numbers, so a large reduction in students will lead to a corresponding reduction in school budgets. Some states provide weighted funding for certain student populations (e.g., economically disadvantaged, students with disabilities). In these places, depending on which students leave, some schools may see even greater funding losses.

Facilities

School districts may need to close school buildings if there are not enough students to keep them open. Denver Public Schools in Colorado, El Paso Independent School District in Texas, Oakland Unified School District in California, and St. Paul Public Schools in Minnesota, for example, are each planning to close or consolidate more than nine schools.

Staffing

With fewer students, districts need fewer staff members — not just teachers but also support staff such as janitors or office workers. Nearly one in five large school districts plans to cut staff in SY 2022-23 due to declining enrollment.

27 *Sources*: Urban Institute, "Declining School Enrollment Spells Trouble for Education Funding," 2020; Bloomberg, "A Wake-Up Call for Public Education," 2022; KQED, "'How Dare You': Oakland School Closure Decision Inspires New Opposition Efforts," 2022; The 74, "'Those Kids Did Not Come Back': Exclusive Enrollment Data Shows Students Continue to Flee Urban Districts as Boom Town Schools and Virtual Academies Thrive," 2022; Chalk Beat, "Enrollment Losses in Cities Prompt Talk of School Closures," 2022; The 74, "Enrollment Drops, Staff Shortages Cause Budget Whiplash for Top School Districts," 2022; EdSource, "Layoff Notices Are Back in Some California School Districts in a Year of Plenty: How Come?," 2022; CPR News, "Denver Public Schools Recommends Closing 10 Elementary, Middle Schools," 2022.

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Student Achievement

As of the start of SY 2022-23, the vast majority of schools were offering — and students were attending — in-person learning. But the impact that school closures during SY 2020-21 and SY 2021-22 had on students' academic outcomes has yet to be fully seen or understood.

What we do know is this:

- The percentages of students meeting their state's proficiency benchmarks on statewide assessments are **down in both reading and math**, but more dramatically in math.

- **Tests taken across states**, including the National Assessment of Educational Progress (NAEP), NWEA's MAP Growth assessment, and Curriculum Associates' i-Ready assessments **show a similar pattern of declines**.

- States did not return to in-person learning on similar timeframes. **Red states and red communities returned much more quickly** — and thus **offered their students the opportunity to attend many more days of in-person learning**.

- **More opportunities for in-person learning are associated with smaller drops in achievement**.

- Early data from spring 2022 offers some **signs that achievement is rebounding**; however, it remains below pre-pandemic levels in many places.

As the school year launched in fall 2020, students' access to in-person learning depended on where they lived.

Map of State-Ordered School Openings or Closings
As of Aug. 19, 2020

Legend:
- Only hybrid or remote instruction allowed
- State-ordered closure in effect (including states where openings are delayed)
- State-ordered regional closure in effect
- State-ordered in-person instruction available part- or full-time
- Varies by school or district/dependent on local health authorities

DC

PR
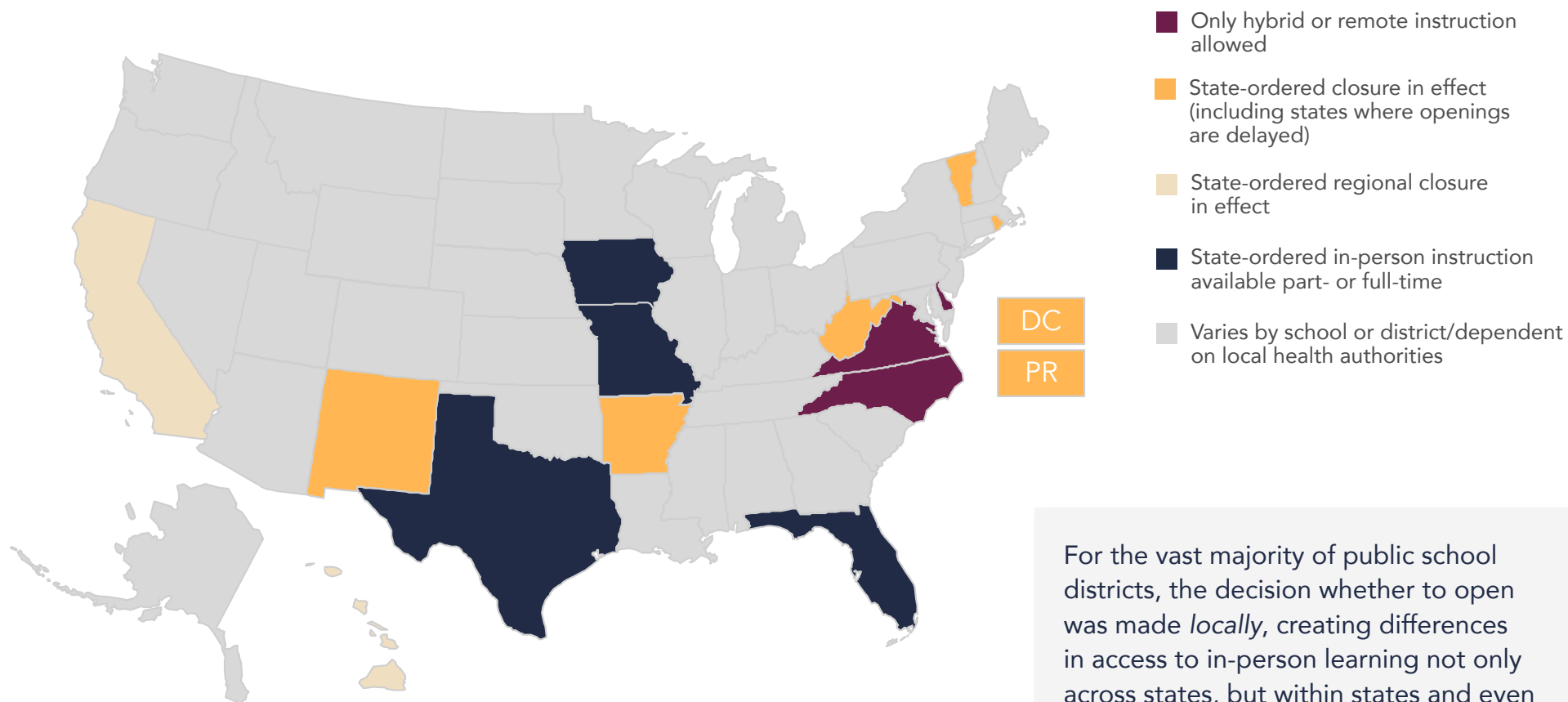
For the vast majority of public school districts, the decision whether to open was made *locally*, creating differences in access to in-person learning not only across states, but within states and even within communities.

Source: EdWeek, "Map: Where Were Schools Required to Be Open for the 2020-21 School Year?," 2021.

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The decision to offer in-person learning tended to play out along partisan lines ...

Average Percent of Time Offered In-Person
January through May 2021

As of January 2021, red states were offering a much higher rate of in-person learning opportunities to students compared to blue states.

Percent of Total Hours Offered In-Person

100%

80%

60%

40%

20%

0%

January   February   March   April   May

Red states

National
All other states

Blue states

Months

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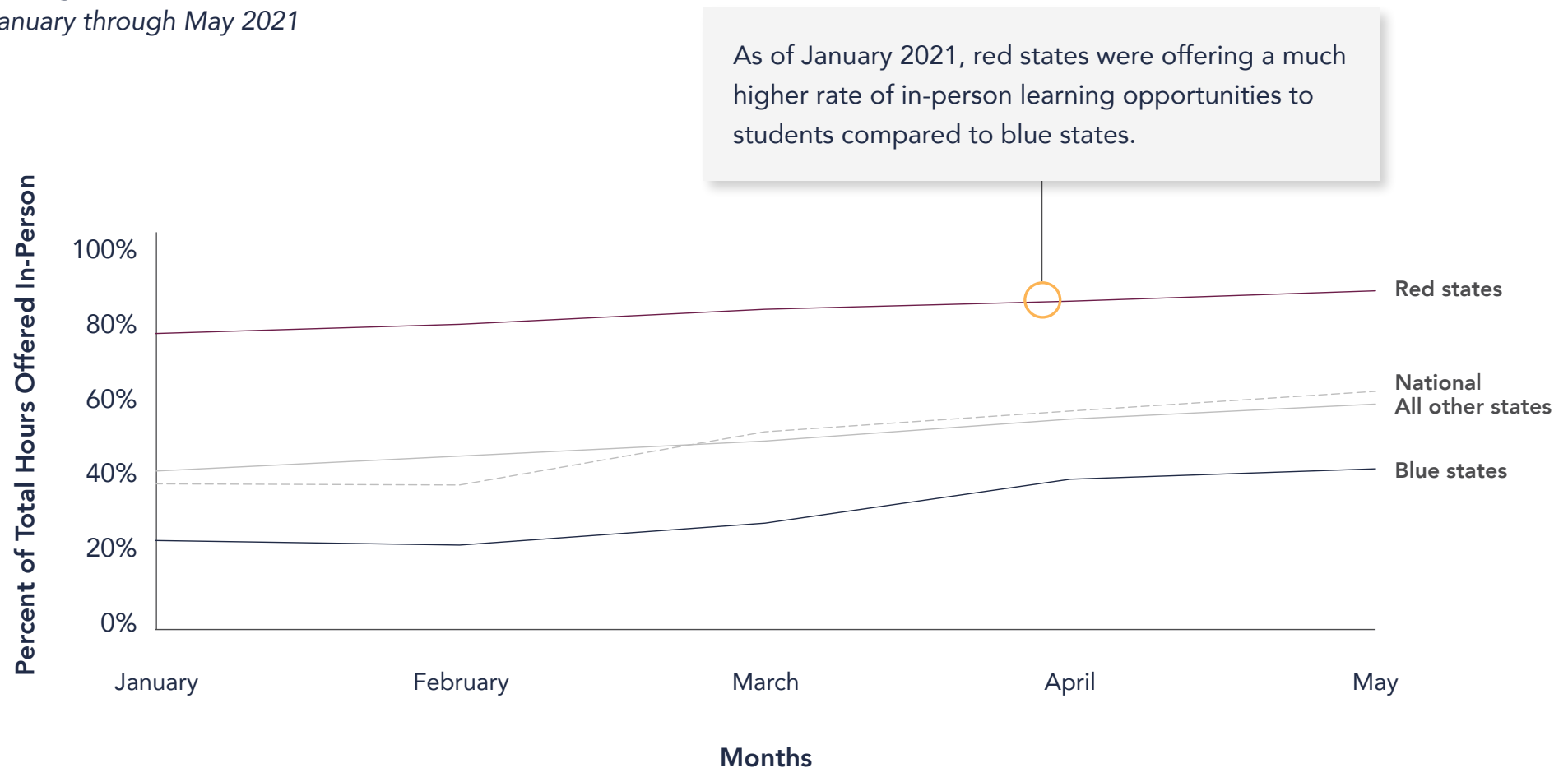
… resulting in students in red states having access to nearly double the in-person learning time as those in blue states.

Average Days of In-Person Learning by States' 2020 Presidential Votes
SY 2020-21
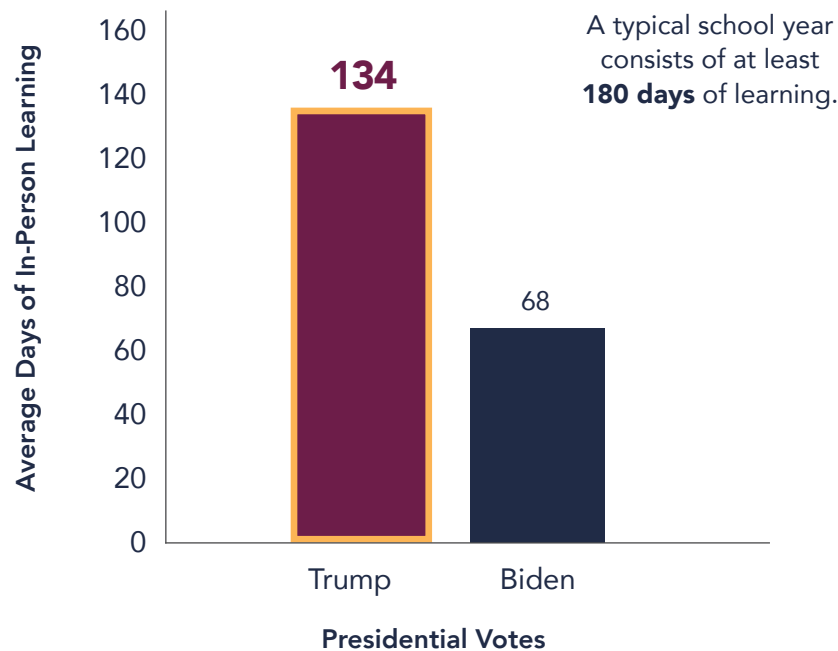
A typical school year consists of at least **180 days** of learning.
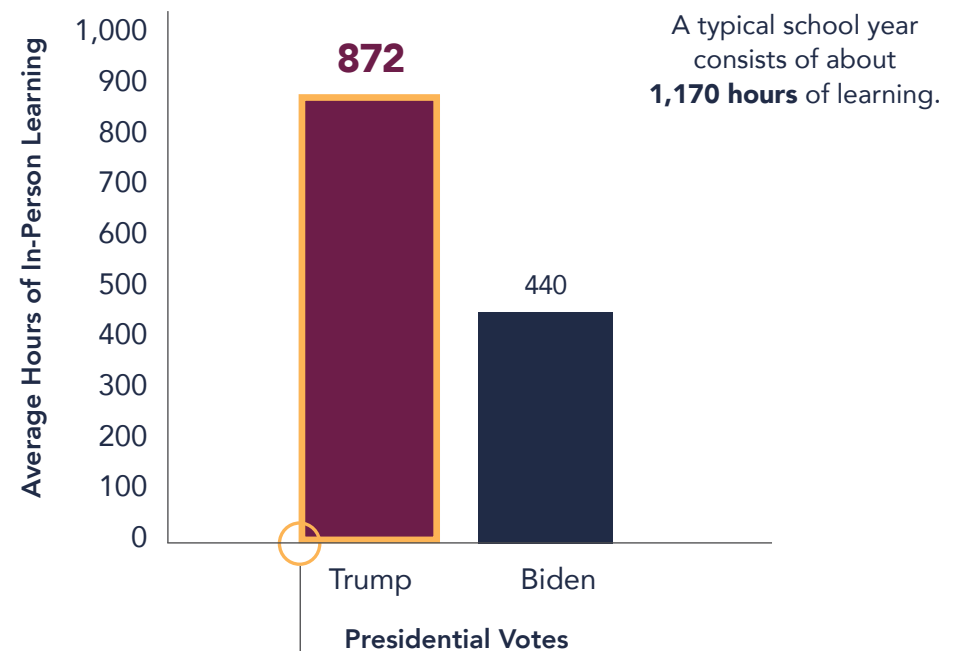
134 (Trump)
68 (Biden)

Average Days of In-Person Learning

Presidential Votes

Average Hours of In-Person Learning by States' 2020 Presidential Votes
SY 2020-21

A typical school year consists of about **1,170 hours** of learning.

872 (Trump)
440 (Biden)

Average Hours of In-Person Learning

Presidential Votes

While both red and blue states offered fewer days and hours of in-person learning than a typical school year requires, red states came much closer to "normal" levels.

Note I: Here, red and blue states are characterized only by their 2020 presidential vote — **not** using the methodology used elsewhere in this document and outlined in the Appendix. *Note II*: In this context, having access to in-person learning means that in-person learning was widely available; we do not try to account for in-person attendance. *Sources*: The 74, "One Fate, Two Fates. Red States, Blue States: New Data Reveal a 432-Hour In-Person Learning Gap Produced by the Politics of Pandemic Schooling," 2021.

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High-poverty schools were also more likely to be remote, regardless of what state they're located in.

Differences in Remote Instruction by School Poverty Status and State Quartile of Total Remote Weeks
SY 2019-20 to 2021-22

Quartile 1 (Q1)
AR, FL, ID, LA, ME, MT, ND, NE, SD, TX, UT, VT, WY

Quartile 2 (Q2)
AL, CT, HI, IA, IN, KS, MO, MS, NY, OK, RI, SC, TN

Quartile 3 (Q3)
AK, CO, DE, GA, MA, MI, MN, NC, NH, OH, PA, WI, WV

Quartile 4 (Q4)
AZ, CA, DC, IL, KY, MD, NJ, NM, NV, OR, VA, WA
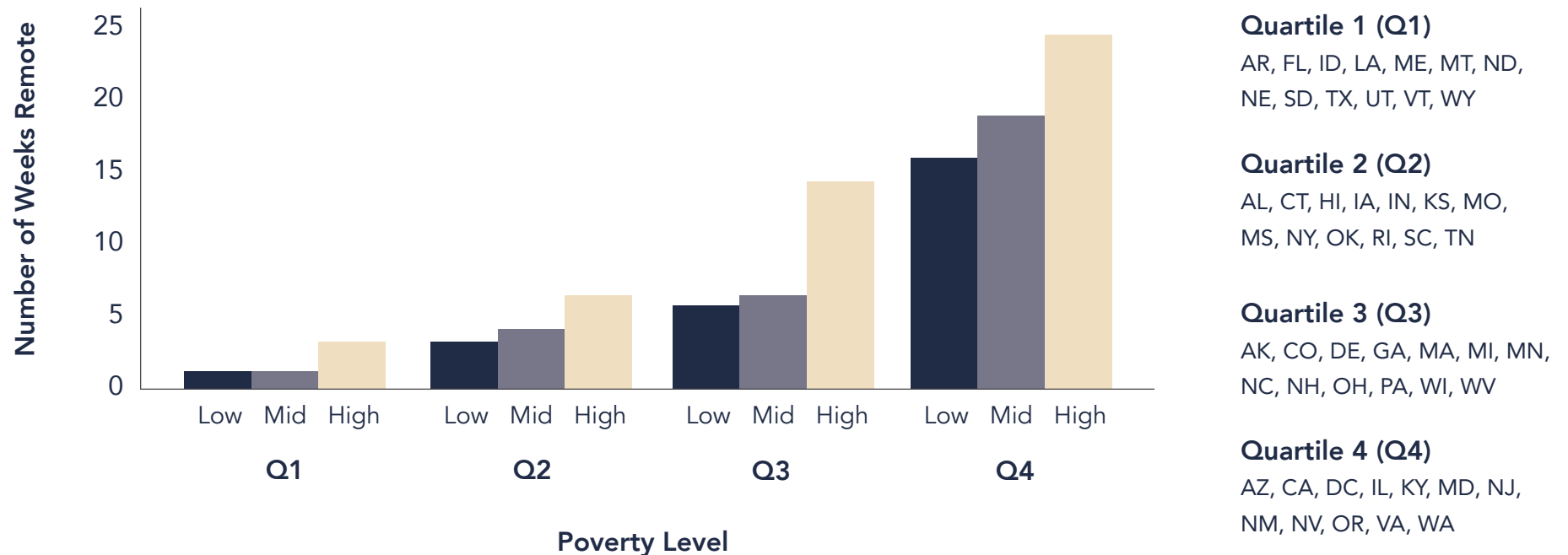
As recently as March 2021, 58% of white students attending schools that serve fourth-graders were enrolled in in-person instruction, compared to 36% of Black students, 35% of Latino students, and 18% of Asian students.

Sources: Chart re-created from Figure 1 in Harvard University Center for Education Policy Research, "The Consequences of Remote and Hybrid Instruction During the Pandemic," 2022; U.S. Department of Education's Office for Civil Rights, "Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students," 2021.

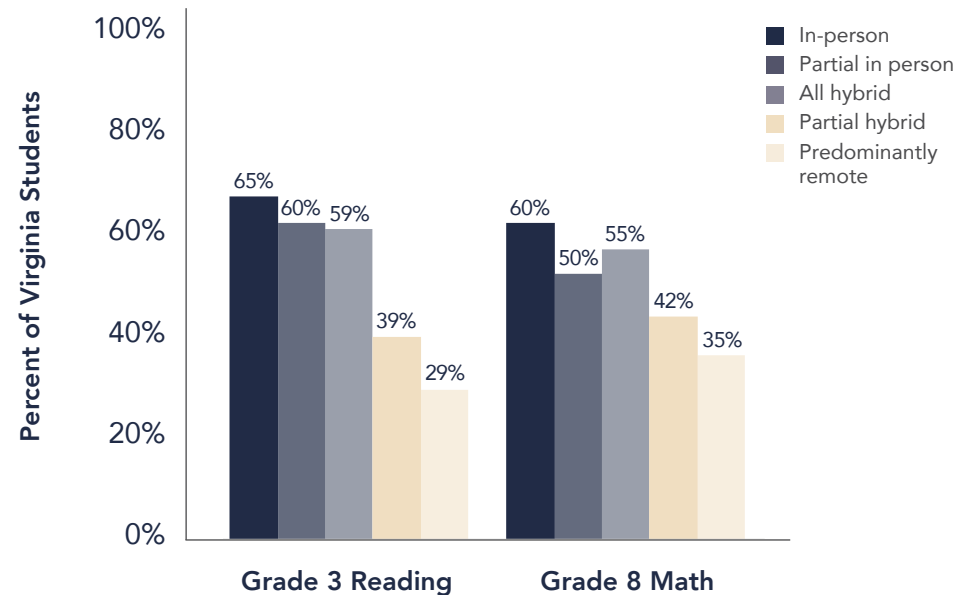# Prolonged participation in virtual learning is associated with larger drops in achievement.

Evidence suggests that states that offered higher percentages of in-person learning time during SY 2020-21 saw smaller declines in terms of student proficiency on state assessments. The same holds true within states — districts that offered more in-person learning time typically also saw higher rates of students scoring proficient.

Average Change in Pass Rate on State Assessments
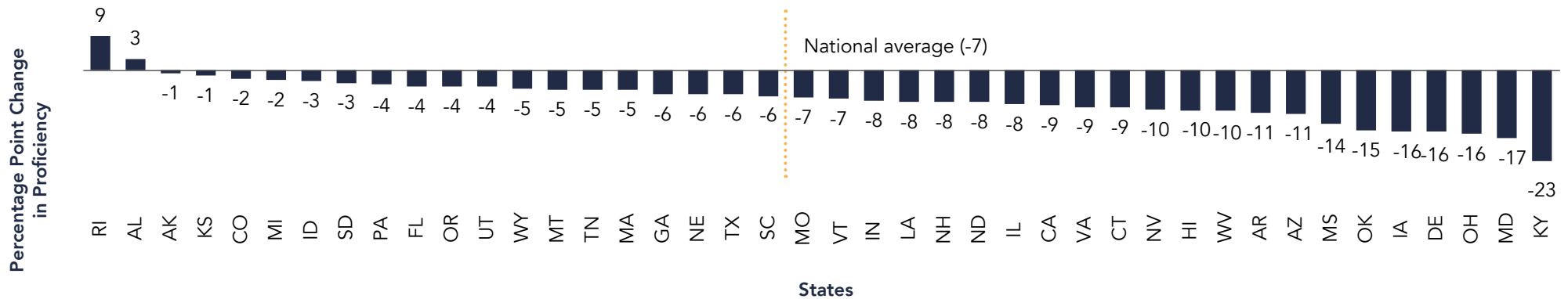*Spring 2021 versus Spring 2016-2019*

Percent In-Person

		Math	ELA
28.9%	CO		
47.4%	CT		
27.4%	MA		
16.2%	MN		
66.7%	MS		
50.0%	OH		
44.5%	RI		
9.7%	VA		
51.5%	WI		
37.8%	WV		
86.5%	WY		

Average Percentage-Point Change in Pass Rates

● Spring 2021   ○ Spring 2016-2019
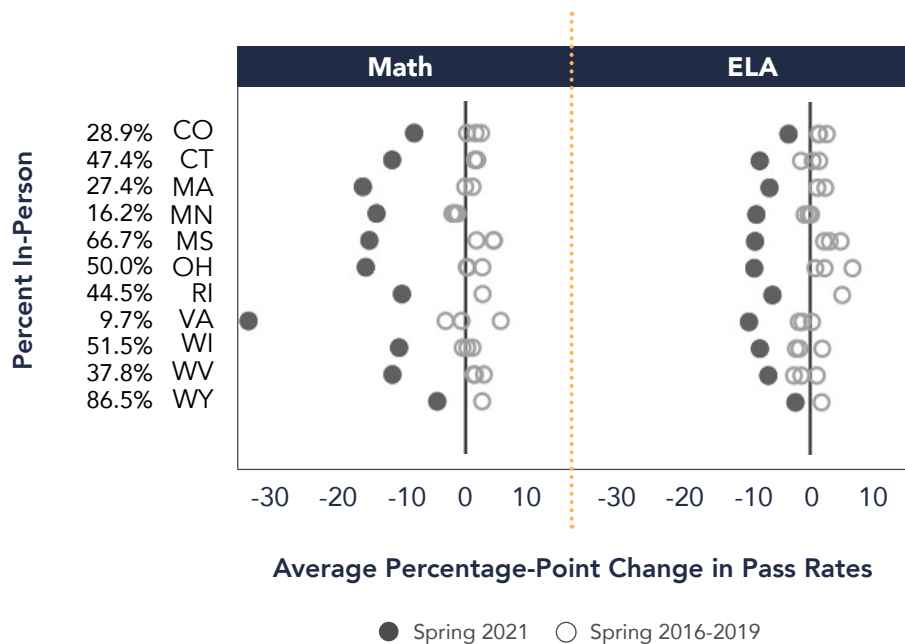
Percent of Virginia Students Scoring Proficient or Higher
By District Operating Status, SY 2020-21

Percent of Virginia Students

Legend:
- In-person
- Partial in person
- All hybrid
- Partial hybrid
- Predominantly remote

Grade 3 Reading: 65%, 60%, 59%, 39%, 29%
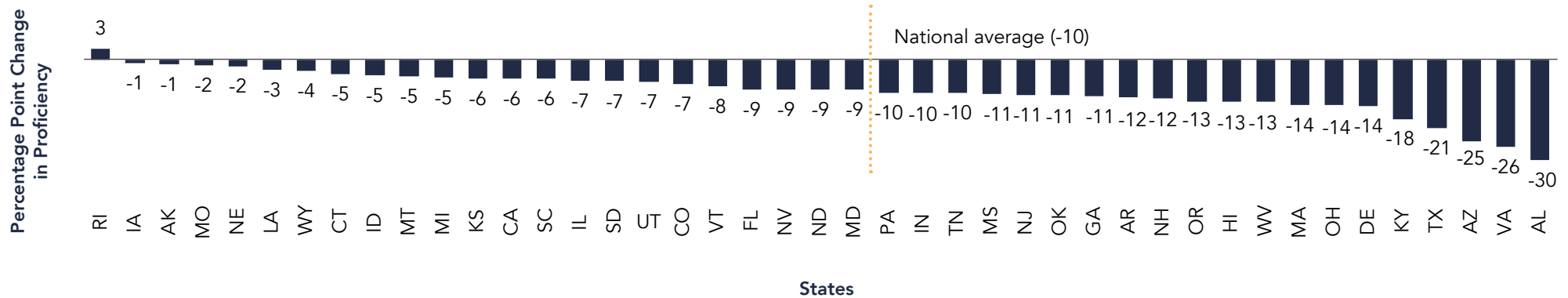Grade 8 Math: 60%, 50%, 55%, 42%, 35%

"Focusing on within-state, within-commuting zone variation in schooling mode, we estimate districts with full in-person learning had an average decline of 13.4 percentage points less in math and 8.3 percentage points less in ELA." —HALLORAN ET AL., 2022

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Due to pandemic disruptions, student proficiency was down in nearly every state in spring 2021 compared to spring 2019.

Percentage Point Change in Students Testing Proficient or Higher on State Assessments, Grade 3 Reading
SY 2018-19 to SY 2020-21

National average (-7)

Percentage Point Change in Proficiency

RI	AL	AK	KS	CO	MI	ID	SD	PA	FL	OR	UT	WY	MT	TN	MA	GA	NE	TX	SC	MO	VT	IN	LA	NH	ND	IL	CA	VA	CT	NV	HI	WV	AR	AZ	MS	OK	IA	DE	OH	MD	KY
9	3	-1	-1	-2	-2	-3	-3	-4	-4	-4	-4	-5	-5	-5	-5	-6	-6	-6	-6	-7	-7	-8	-8	-8	-8	-8	-9	-9	-9	-10	-10	-10	-11	-11	-14	-15	-16	-16	-16	-17	-23

States

Percentage Point Change in Students Testing Proficient or Higher on State Assessments, Grade 8 Math
SY 2018-19 to SY 2020-21

National average (-10)

Percentage Point Change in Proficiency

RI	IA	AK	MO	NE	LA	WY	CT	ID	MT	MI	KS	CA	SC	IL	SD	UT	CO	VT	FL	NV	ND	MD	PA	IN	TN	MS	NJ	OK	GA	AR	NH	OR	HI	WV	MA	OH	DE	KY	TX	AZ	VA	AL
3	-1	-1	-2	-2	-3	-4	-5	-5	-5	-5	-6	-6	-6	-7	-7	-7	-7	-8	-9	-9	-9	-9	-10	-10	-10	-11	-11	-11	-11	-12	-12	-13	-13	-13	-14	-14	-14	-18	-21	-25	-26	-30

States

Note: Comparing spring 2021 data to spring 2019 data is not a perfect comparison for many reasons. Some states used different, or shorter, assessments. Some states allowed students to take their assessments remotely. Many states had lower-than-average participation rates overall and among certain student subgroups. While not an ideal comparison, these data give us a directional understanding of the impact of school closures on student performance. **Source**: Author's calculation based on state-level assessment data, accessed from state-level assessment databases.

Trends were similar on national assessments, with historically marginalized students faring the worst.

Description of Analysis	**map** GROWTH	**i-Ready**
	NWEA analyzed data from the NWEA MAP, a nationally normed standardized achievement test. NWEA used reading and math data from more than 6M students in grades 3-8. The analysis calculated the median percentile rank in fall 2021 relative to fall 2019.	McKinsey & Company analyzed data from Curriculum Associates' web-based diagnostic assessment, the i-Ready. The analysis included reading and math data for more than 1.6M elementary students across 40 states. It compared students' performance in spring 2021 with performance of similar students prior to the pandemic.
Overall Impact	• Student achievement in grades 3-8 was lower at the start of SY 2021-22 than is typical. • In reading, declines in grades 3-8 range from 3 to 7 percentile points. • In math, declines range from 9 to 11 percentile points.	• Students ended the 2020-21 school year several months behind. • In reading, students were four months behind. • In math, students were five months behind.
Impact on Student Subgroups	**In grades 3-8 reading:** • Declines ranged from 3 to 10 percentile points for Black, Hispanic, and American Indian/Alaska Native students compared to declines ranging from 0 to 3 percentile points for Asian and white students. • Declines ranged from 4 to 11 percentile points in high-poverty schools, versus 2 to 4 in low-poverty schools. **In grades 3-8 math:** • Declines ranged from 8 to 15 percentile points for Black, Hispanic, and American Indian/Alaska Native students and from 3 to 10 percentile points for Asian and white students. • Declines ranged from 8 to 16 percentile points in high-poverty schools versus 4 to 11 in low-poverty schools.	• Majority-Black schools ended the 2020-21 school year with six months of unfinished learning in math. • Students in low-income schools ended the year with seven months of unfinished learning in math.

Sources: NWEA, "Learning During COVID-19: An Update on Student Achievement and Growth at the Start of the 2021-22 School Year," 2021; McKinsey & Company, "COVID-19 and Education: The Lingering Effects of Unfinished Learning," 2021.

Similarly, NAEP long-term trend data shows larger declines in math overall and larger declines for marginalized groups.

**Change in NAEP Scale Score Points by Student Subgroup**
*NAEP Long-Term Trend, 2020-2022*

NAEP reports how well groups of students perform in reading and math using a scale of 0-500. Between 2020 and 2022, scale scores for all groups of students dropped in both reading and math. The 5-point decline in reading is the largest in more than 30 years, and the 7-point decline in math is the first-ever decline since administration of the tests began in the 1970s.

Source: National Assessment of Educational Progress, "Explore NAEP Long-Term Trends in Reading and Mathematics," 2022.

State-level NAEP data show declines in all states in math; in reading, just five states' averages did not decline.

Change in State-Level Average Scale Scores, NAEP Grade 8 Math
2019 versus 2022

DC
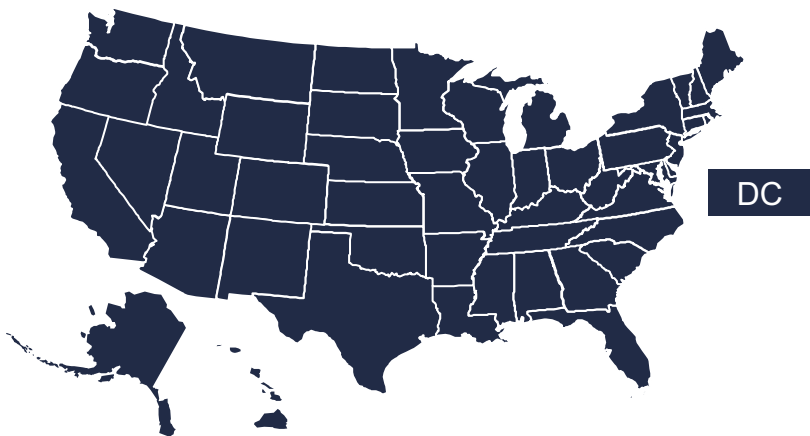
Change in State-Level Average Scale Scores, NAEP Grade 4 Reading
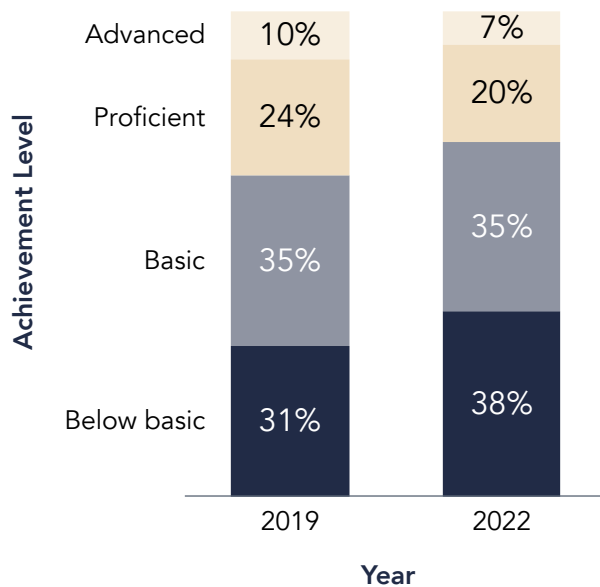*2019 versus 2022*

DC
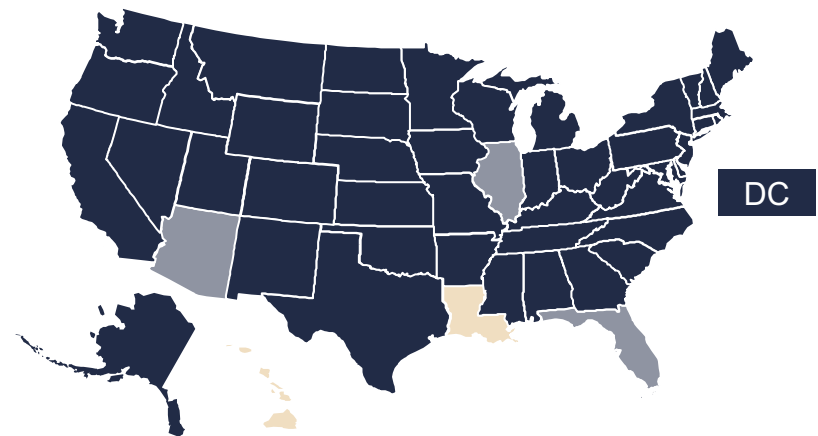
■ Average scale score increased from 2019 to 2022
■ Average scale score remained the same from 2019 to 2022
■ Average scale score decreased from 2019 to 2022

In grade 8 math, all states experienced declines in their average scale scores. In grade 4 reading, Arizona, Florida, and Illinois held steady while Hawaii and Louisiana saw small increases (1 and 2 points, respectively). The remaining 45 states and DC experienced declines.

Sources: Nation's Report Card, NAEP Data Explorer, 2019 and 2022 data.

In grade 8 math, the percentage of students at *below basic* increased by 7 points overall; rates increased for all subgroups.

Percent of Students at Each Achievement Level, NAEP Grade 8 Math
2019 versus 2022

Percent of Students at the Below Basic Achievement Level, NAEP Grade 8 Math, by Subgroup
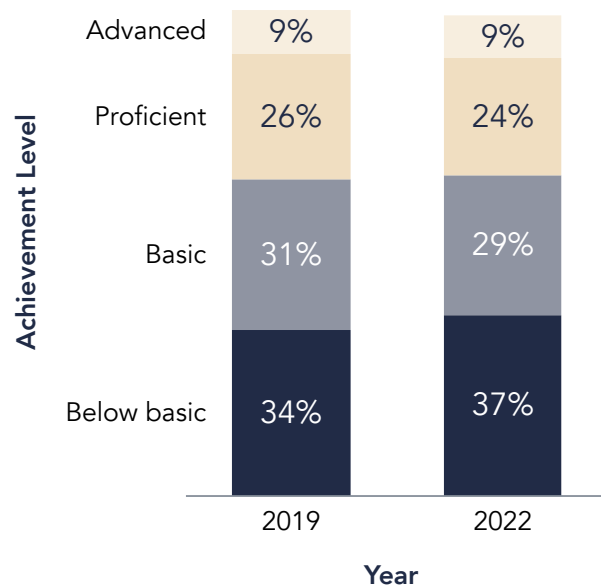*2019 versus 2022*
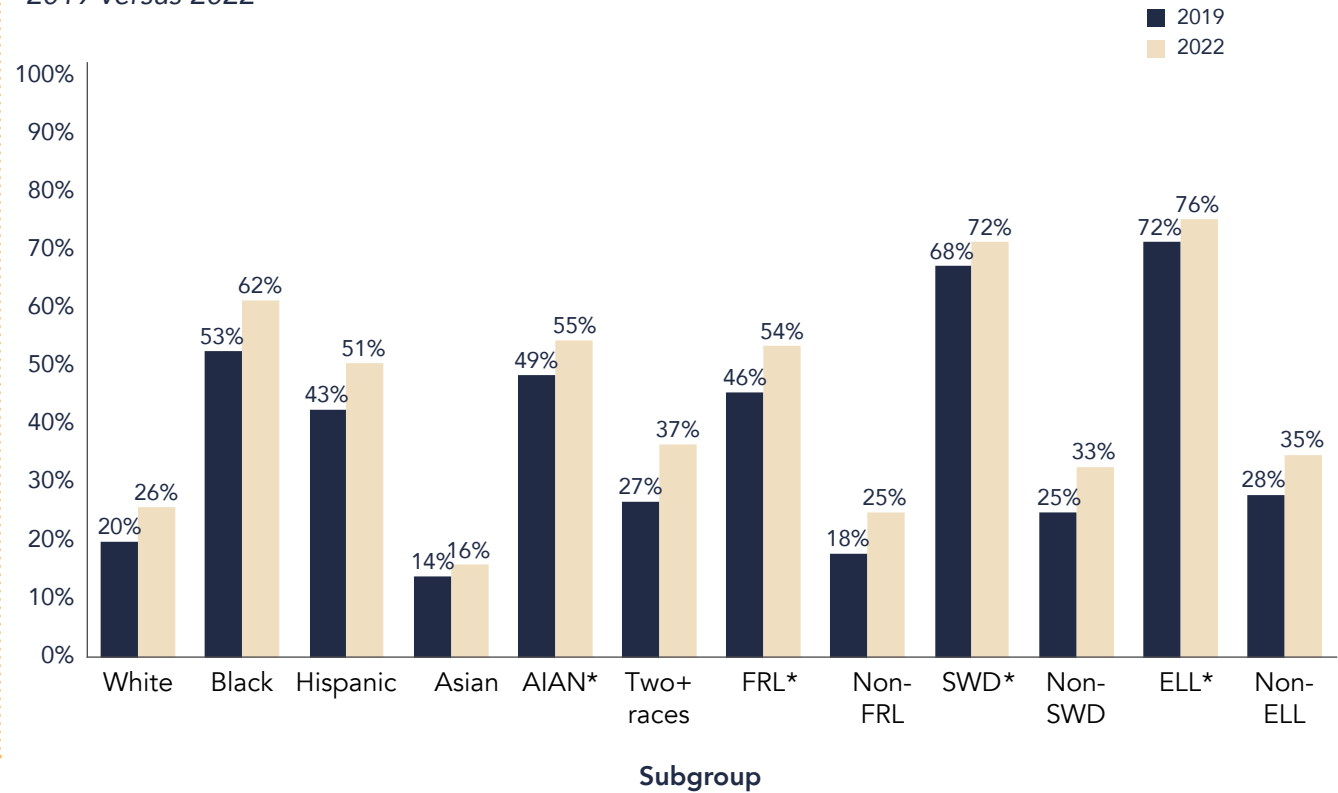
Students scoring below basic have not mastered the knowledge and skills that are fundamental for eighth-grade proficiency in math. Between 2019 and 2022 the rate of students scoring at the below basic level increased by 7 points. NAEP surveys approximately 3K students per state (~150K total), meaning that approximately 10.5K more students fell to the below basic level in 2022 compared to 2019.

*Note I: AIAN = American Indian and Alaska Native; FRL = Free and Reduced Lunch; SWD = Students with Disabilities; ELL = English Language Learner.
*Note II: Percentages may not sum to 100 due to rounding. Sources: Nation's Report Card, NAEP Data Explorer, 2019 and 2022 data; National Assessment of Educational Progress, Frequently Asked Questions, "How many students participate in each assessment?"

In grade 4 reading, the percentage of students at *below basic* increased by 3 points overall; rates increased for most subgroups.

Percent of Students at Each Achievement Level, NAEP Grade 4 Reading
2019 versus 2022

Achievement Level

Achievement Level	2019	2022
Advanced	9%	9%
Proficient	26%	24%
Basic	31%	29%
Below basic	34%	37%

Year

Percent of Students at the Below Basic Achievement Level, NAEP Grade 4 Reading, by Subgroup
2019 versus 2022

2019
2022

Subgroup	2019	2022
White	23%	27%
Black	52%	56%
Hispanic	45%	50%
Asian	19%	19%
AIAN*	50%	57%
Two+ races	28%	32%
FRL*	47%	52%
Non-FRL	19%	24%
SWD*	70%	70%
Non-SWD	28%	32%
ELL*	65%	67%
Non-ELL	29%	33%

Subgroup

Students scoring below basic have not mastered the knowledge and skills that are fundamental for fourth-grade proficiency in reading. Between 2019 and 2022 the rate of students scoring at the below basic level increased by 3 points. NAEP surveys approximately 3K students per state (~150K total), meaning that approximately 4.5K more students fell to the below basic level in 2022 compared to 2019.

Note I: AIAN = American Indian and Alaska Native; FRL = Free and Reduced Lunch; SWD = Students with Disabilities; ELL = English Language Learner.
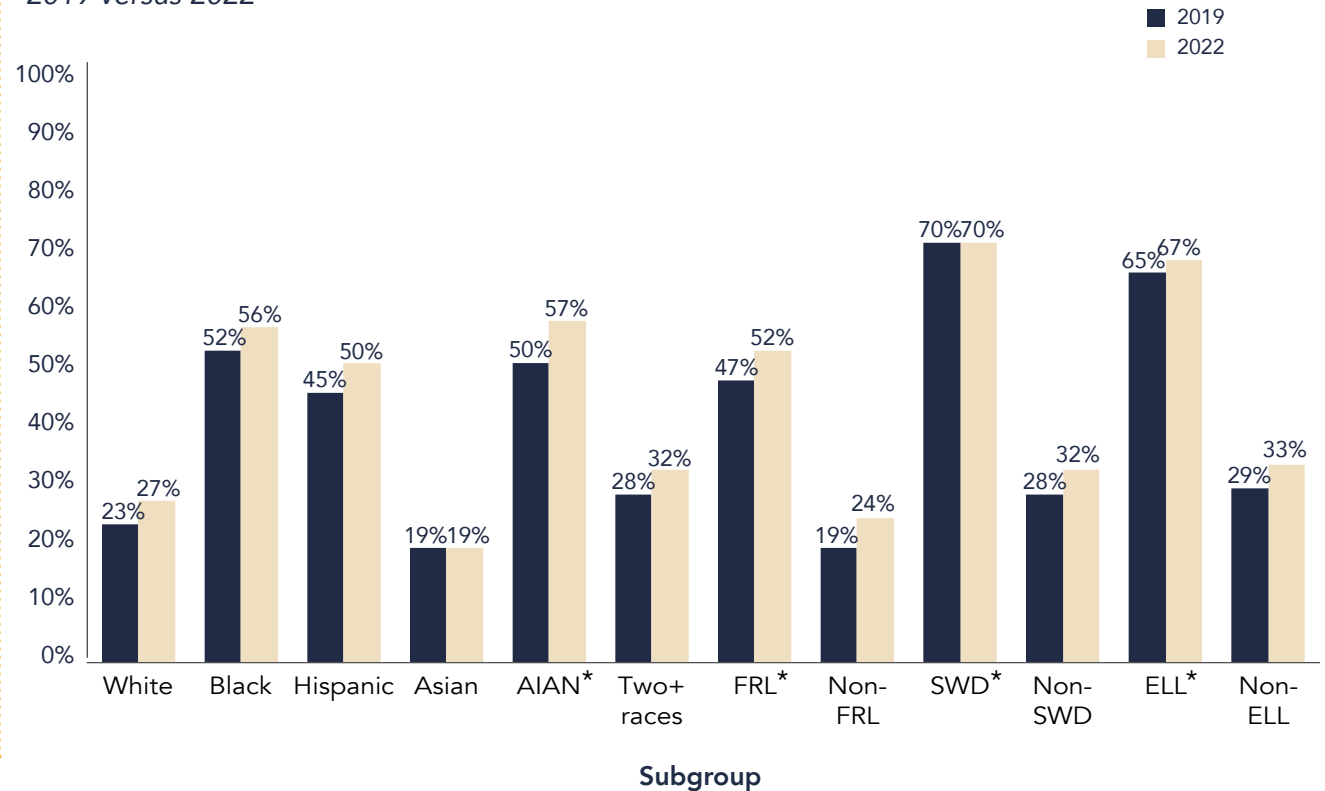*Note II*: Percentages may not sum to 100 due to rounding. *Sources*: Nation's Report Card, NAEP Data Explorer, 2019 and 2022 data; National Assessment of Educational Progress, Frequently Asked Questions, "How many students participate in each assessment?"

Early evidence suggests achievement is rebounding, although it largely remains below pre-pandemic levels.

Data from NWEA's MAP assessment shows that gaps between pre-pandemic and pandemic test scores are shrinking, especially for students in younger grades.

Subject	Cohort	Achievement Gap by Spring 2021		Achievement Gap by Spring 2022		Change in gap	% change	Years to close gap
		Grade	Gap	Grade	Gap			
Reading	K-3	2	-0.14	3	-0.12	0.02	16%	5+
	1-4	3	-0.14	4	-0.09	0.05	36%	1-2
	2-5	4	-0.13	5	-0.10	0.03	25%	3-5
	3-6	5	-0.13	6	-0.10	0.03	24%	3-5
	4-7	6	-0.12	7	-0.12	0.01	4%	5+
	5-8	7	-0.13	8	-0.12	0.01	8%	5+
Math	K-3	2	-0.22	3	-0.18	0.04	18%	3-5
	1-4	3	-0.26	4	-0.19	0.07	27%	3-5
	2-5	4	-0.28	5	-0.22	0.06	23%	3-5
	3-6	5	-0.27	6	-0.19	0.08	31%	1-2
	4-7	6	-0.21	7	-0.21	0.00	0%	5+
	5-8	7	-0.20	8	-0.24	-0.04	-18%	5+

Source: Table re-created from NWEA, "Student Achievement in 2021–2022: Cause for Hope and Continued Urgency," 2022.

As schools work to support students' learning recovery, several issues are paramount.

In a January 2022 speech, U.S. Secretary of Education Miguel Cardona outlined four activities that must be prioritized to support students' learning recovery:

Increasing mental health supports through wraparound programs, authentic parent and family engagement, individualized interventions for the students most affected by the pandemic, embedding mental health supports into the day-to-day operations of schools, and hiring additional school counselors, social workers, and mental health professionals.

Addressing unfinished learning through targeted, intensive tutoring, after-school programming, and summer learning opportunities.

Addressing the needs of historically marginalized students, including Latino, Black, and Native students; students from low-income backgrounds; students from rural communities; students with disabilities; students experiencing homelessness; and students learning English, by increasing funding in Title I schools, increasing Individuals with Disabilities Education Act funding, and providing free, universal preschool and affordable child care.

Investing in teachers, including through ensuring livable wages, providing ongoing professional development, and improving working conditions.

Source: U.S. Department of Education, "Secretary Cardona's Vision for Education in America," 2022.

# Contents

Student Discipline

The debate over how best to handle student behavior issues and student discipline is not new. Yet given the many social and mental health challenges facing young people in the aftermath of the pandemic as well as attention to racial disparities in school discipline, it's top of mind for many teachers and school leaders.

Here's what we know:

- Over the past decade, schools have reported **increasing rates of classroom disorder and student disrespect of teachers**; these and other undesirable behaviors, including tardiness, fights, and bullying, appear to be **increasing post-pandemic**.

- The public generally sees teachers as unprepared to address student discipline, while **teachers point to multiple challenges facing students outside the classroom**, such as uninvolved parents or community factors like poverty and crime.

- Exclusionary discipline (suspensions and expulsions) **disproportionately affects male students, Black students, and students with disabilities**; suspensions are also correlated with poor academic achievement, a greater likelihood of dropping out, and later involvement with the criminal justice system for students who have been suspended or expelled.

- Restorative practices are one alternative that advocates say shows some promise, **though the research is far from settled**.

Over the past decade, schools report an increase in widespread classroom disorder and disrespect of teachers.

Percentage of Public Schools Reporting Discipline Problems that Occurred at Least Once a Week
SY 2009-10 and SY 2019-20
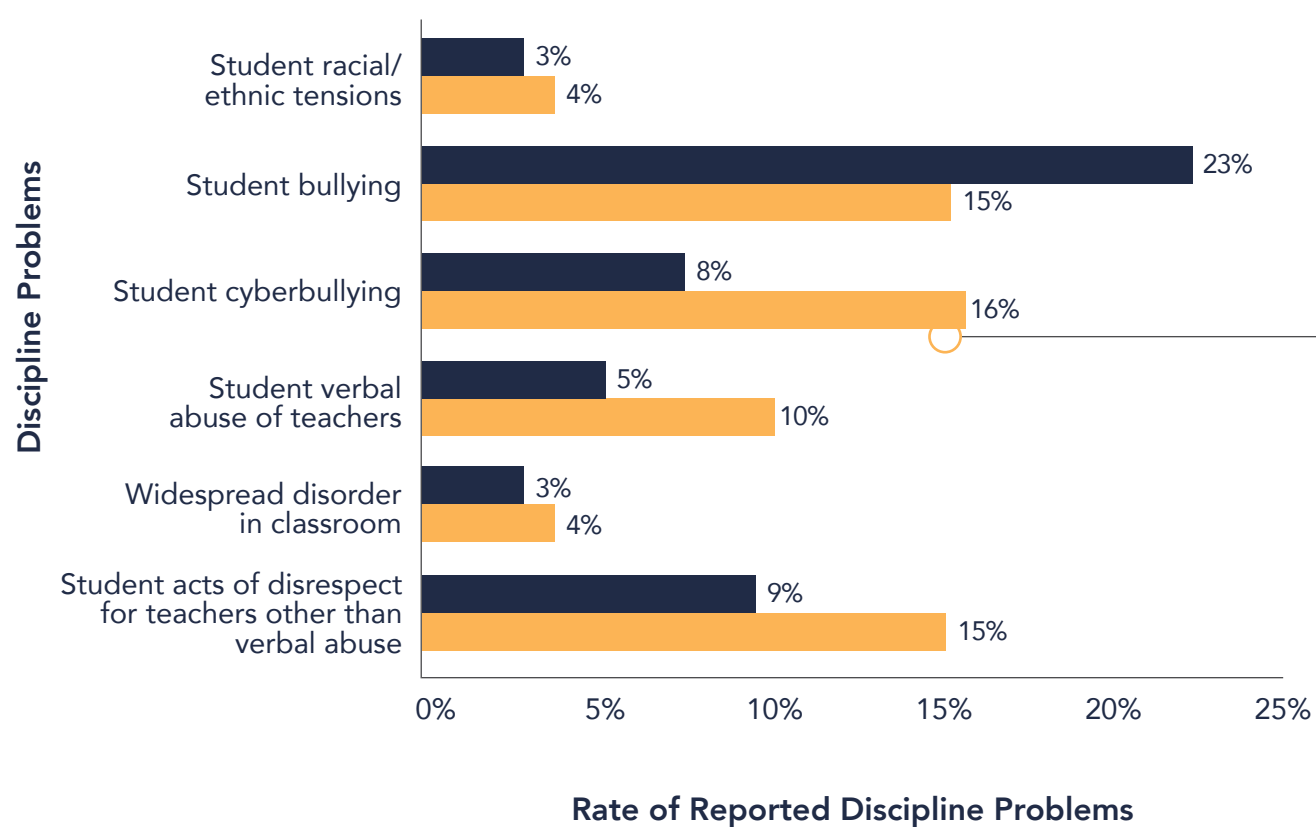
While the percentage of schools reporting weekly bullying incidents has declined in the past decade, incidences of racial and ethnic tensions, cyberbullying, student verbal abuse and general disrespect of teachers, and widespread disorder have all increased.

Discipline Problems (y-axis)
Rate of Reported Discipline Problems (x-axis)

Legend: SY 2009-10, SY 2019-20

- Student racial/ethnic tensions: 3% / 4%
- Student bullying: 23% / 15%
- Student cyberbullying: 8% / 16%
- Student verbal abuse of teachers: 5% / 10%
- Widespread disorder in classroom: 3% / 4%
- Student acts of disrespect for teachers other than verbal abuse: 9% / 15%

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Teachers say student behavior is a major issue and cite it as a key reason for leaving the profession.

Percent of teachers reporting that each problem is a "serious" or "very serious" issue.
January 2022

91%	90%	78%	**76%**	76%
General stress from the pandemic	Feeling burned out	Pay is too low	**Student behavioral issues**	Lack of respect from parents/the public
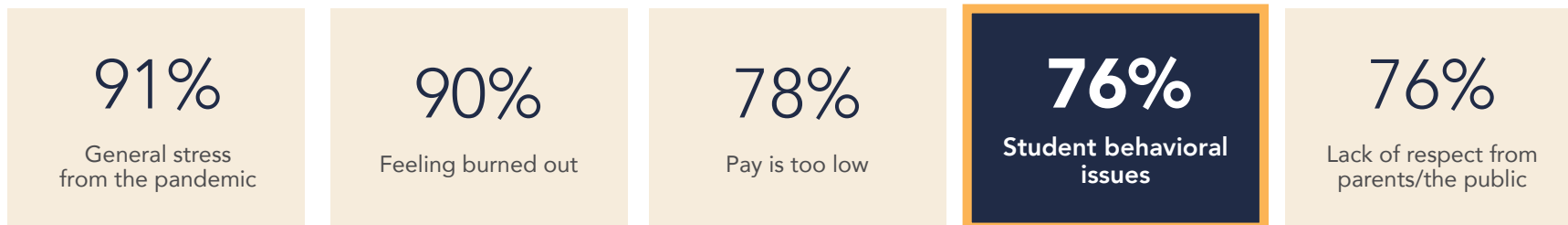
Given the reasons below, what is the largest reason you're leaving your position?
July 2022

52%	22%	22%
Student behavior is poor	Salary is insufficient	Progressive political activity
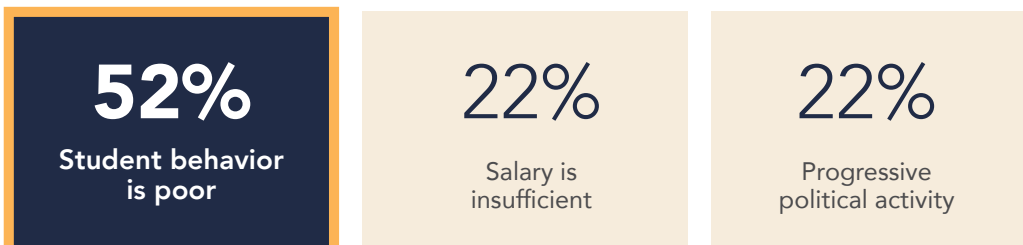
In self-reported surveys, more than 3 out of every 4 teachers cite student behavior as a serious issue, and more than half of midwestern teachers surveyed (N=615) say it's the primary reason they're leaving the profession.

46   *Sources*: NEA, "Poll Results: Stress and Burnout Pose Threat of Educator Shortages," 2022; Chalkboard Review, "615 Midwestern Teachers Reveal Why They're Really Leaving the Classroom," 2022.

The public does not feel teachers are prepared to deal with discipline issues; teachers point to challenges outside their control.

How prepared do you think most teachers are today to handle discipline issues in the classroom?
2019

7%	36%	**36%**	**18%**	2%
Very prepared	Prepared	Unprepared	Very unprepared	Don't know/refused

Which of the following do you think was most responsible for the student behavior problems at your school last year (SY 2017-18)?
2019

More than half of U.S. adults surveyed think most teachers are unprepared or very unprepared to handle discipline issues, while just 13% of teachers think ineffective classroom management is responsible for student behavior challenges.

42%	23%	14%	**13%**	7%	1%
Uninvolved parents or troubled families	Administrators who enforced school discipline policy inconsistently	Community factors such as poverty, crime, and/or gang activity	Teachers who were ineffective at classroom management	None of these	N/A

As the pandemic compounded financial and mental health challenges for adults, bad behavior skyrocketed.

Financial challenges and mental health needs skyrocketed in 2020 …

- As of December 2020, more than one-third of adults faced difficulty covering usual expenses; 14% reported living in households that did not have enough to eat, and approximately 20% of adult renters were not caught up on rent.

- As early as June 2020, the prevalence of adults reporting symptoms of anxiety disorder was three times that reported in 2019; the prevalence of depressive disorder was four times greater.

- More than 93,000 drug overdose deaths were estimated to have occurred in 2020, the highest ever recorded and a 30% increase from 2019.

… as did reports of adults' poor behavior in public.

- The number of investigations the U.S. Federal Aviation Administration (FAA) opened for unruly passengers increased more than six times between 2020 and 2021, reaching a record 1,099 investigations in 2021 (there were just 183 in 2020). As of Aug. 30, 2022, the FAA had initiated 650 investigations.

- Car thefts were up 14% in 2021.

- Speeding increased during the pandemic, and extreme speeding (20-plus mph over the limit) became more common. Speeding-related fatalities increased 11% in 2020.

Young people also faced increases in mental health challenges during COVID.

37% of high school students reported that their mental health was not good most or all of the time during the pandemic.

44% said they felt persistently sad or hopeless almost every day for at least two weeks in a row.

48 **Sources**: National Highway Traffic Safety Administration, "Continuation of Research on Traffic Safety During the COVID-19 Public Health Emergency," October 2021; *The Atlantic*, "Why People Are Acting So Weird," 2022; Federal Aviation Administration, "Unruly Passengers," 2022; CBS News, "Homicides in Major American Cities Increased in 2021, New Study Finds," 2022; Centers for Disease Control and Prevention, "Mental Health, Substance Use, and Suicidal Ideation During the COVID-19 Pandemic — United States, June 24–30, 2020," 2020; Kaiser Family Foundation, "The Implications of COVID-19 for Mental Health and Substance Use," 2021; National Institute of Drug Abuse, "COVID-19 & Substance Use," 2022; Center on Budget and Policy Priorities, "Tracking the COVID-19 Economy's Effects on Food, Housing, and Employment Hardships," 2022. Pew Research Center, "In CDC Survey, 37% of U.S. High School Students Report Regular Mental Health Struggles During COVID-19 Pandemic," 2022; Centers for Disease Control and Prevention, "Adolescent Behaviors and Experiences Survey (ABES)," 2022.

Schools are not immune from this trend; students' mental health struggles and behavior issues have also increased.

Percent of Schools Indicating an Increase in Student Behaviors Resulting From COVID-19
May 2022

Student Behaviors	Percent of Schools
Classroom disruptions from student misconduct	56%
Student tardiness	55%
Rowdiness outside the classroom	49%
Student acts of disrespect to teachers or staff	48%
Physical attacks, fights between students	33%
Bullying	30%
Distribution, possession, or use of illegal drugs	16%
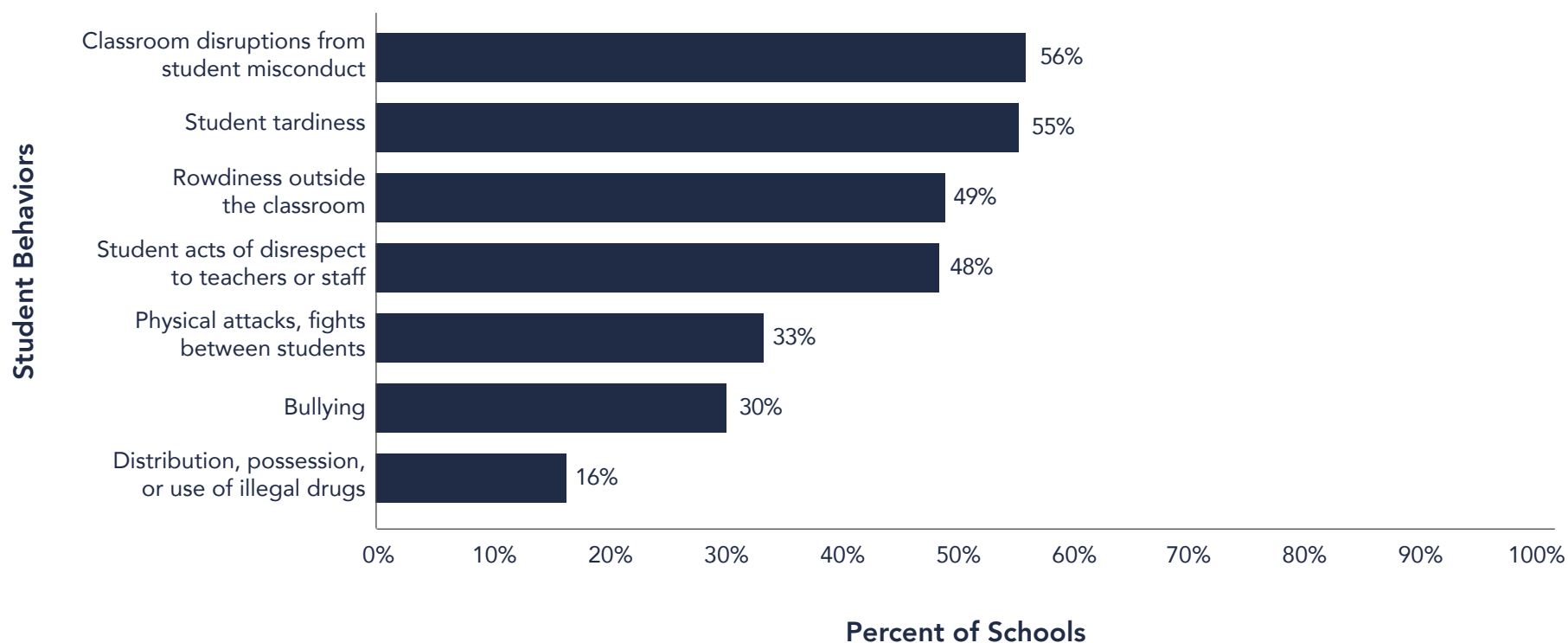
The kinds of mental health challenges students are dealing with as a result of COVID are often correlated with behavioral issues — the kinds that many schools punish through exclusionary discipline.

Early data suggest an uptick in the use of exclusionary discipline to deal with increasing student behavior challenges.

While not the case everywhere, many districts are seeing an increase in the use of suspensions and expulsions as teachers and administrators grapple with increasing discipline issues post-pandemic. For example:

- Northside Independent School District in Texas saw a 15% increase in out-of-school suspensions in SY 2021-22 compared to SY 2018-19.

- Hillsborough County Public Schools in Florida saw a 9% increase in out-of-school suspensions in SY 2021-22 compared to SY 2018-19.

- Oakland Unified Schools in California and Charlotte-Mecklenburg Schools in North Carolina saw suspensions and expulsions approaching or exceeding pre-pandemic levels in the first half of SY 2021-22.

- All three school districts serving Marion County, Ohio had more suspensions and expulsions in SY 2021-22 than in the three prior school years.

Anticipating increasing discipline issues and subsequent suspensions and expulsions post-pandemic, in 2021 the NAACP's Legal Defense Fund called for school districts to **"institute a moratorium on all suspensions and modify school discipline policies to be trauma-informed and supportive."**

Sources: Chalkbeat, "Pandemic Effect: More Fights and Class Disruptions, New Data Show," 2022; The Hechinger Report, "Some Kids Have Returned to In-Person Learning Only to be Kicked Right Back Out," 2022; Marion Star, "Across Marion County Suspension Numbers at an All-Time High Post-Pandemic," 2022; NAACP Legal Defense Fund, "Position on Reopening and Operating Schools During the COVID-19 Pandemic," 2021.
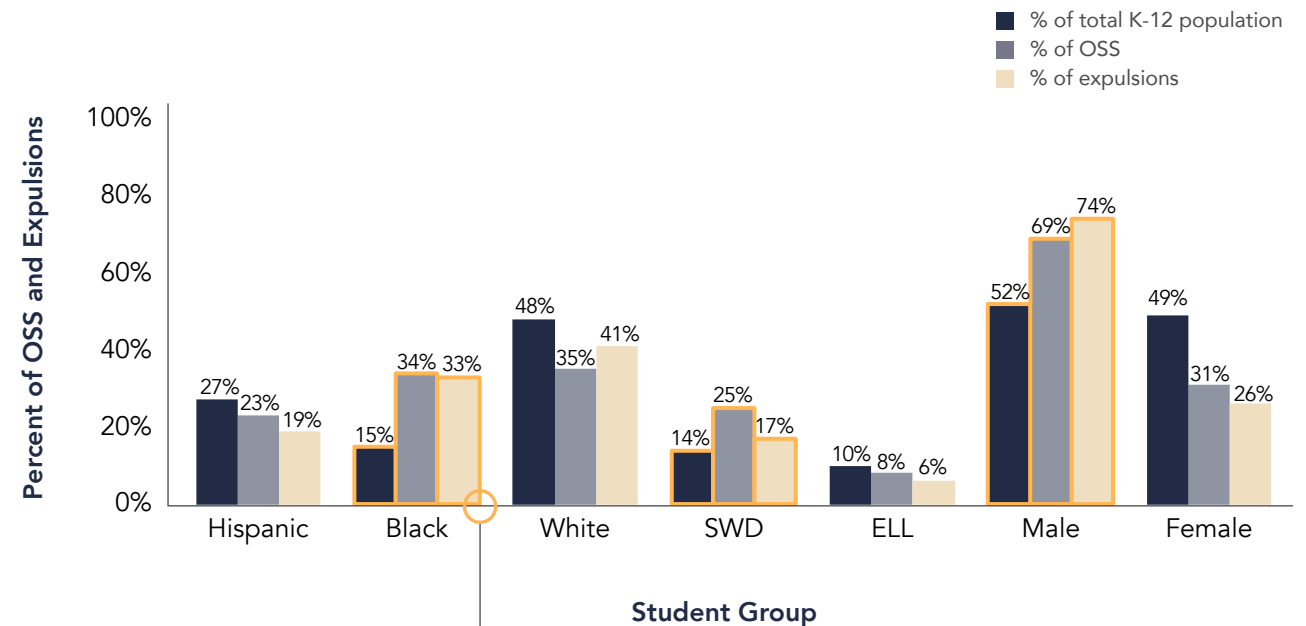
Data demonstrate that exclusionary discipline approaches play out inequitably and harm students in the long term.

It's well established that exclusionary discipline (out of school suspension [OSS] and expulsion) disproportionately affect certain groups of students.

Research suggests that exclusionary discipline:

- Has a negative effect on middle and high school students' math and English credit accumulation and likelihood of on-time graduation.

- Has a consistent negative effect on students' future behavior.

- Is correlated with involvement in the juvenile justice system, especially for male, Black, Hispanic, disabled, or low-income students.

- Is correlated with increased likelihood of a student experiencing criminal victimization, criminal involvement, and adult incarceration.

Percent of Suspensions and Expulsions by Student Group, Compared to Overall K-12 Population
SY 2017-18

Legend:
- % of total K-12 population
- % of OSS
- % of expulsions

Chart data (Percent of OSS and Expulsions by Student Group):

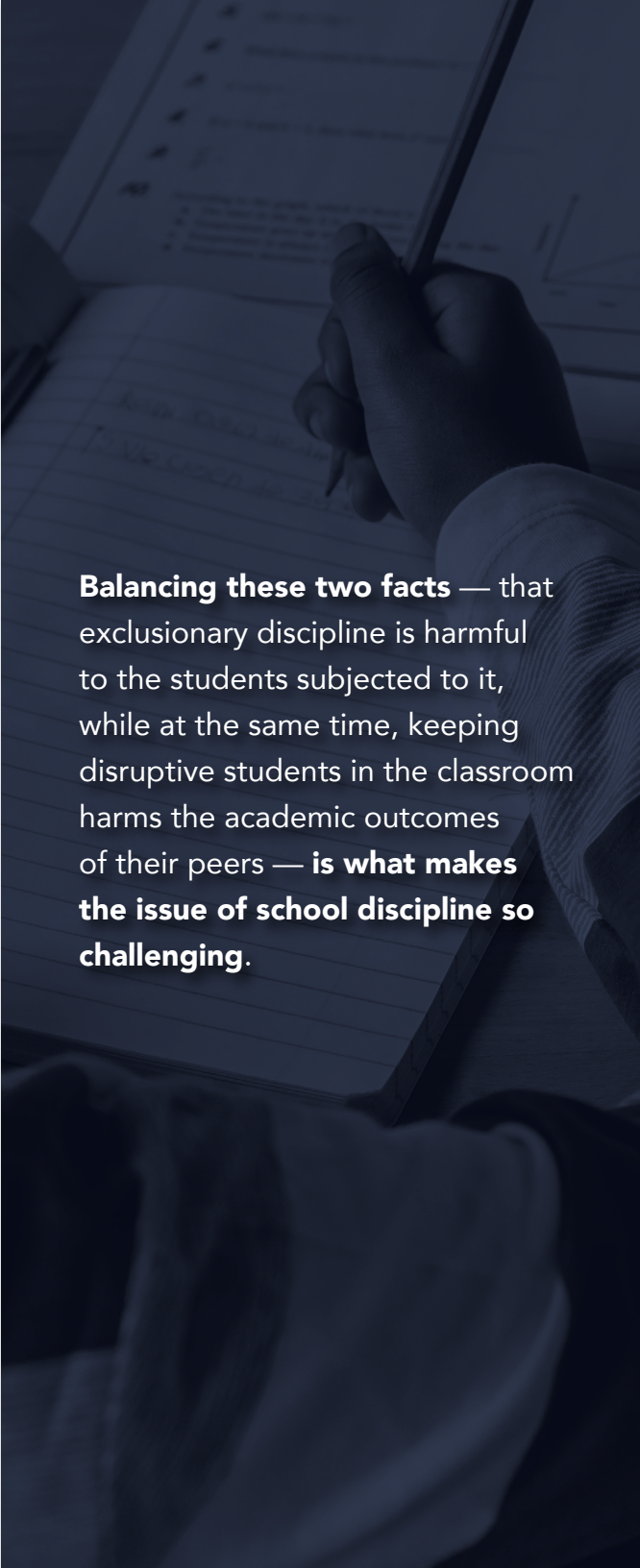| Student Group	% of total K-12 population	% of OSS	% of expulsions
Hispanic	27%	23%	19%
Black	15%	34%	33%
White	48%	35%	41%
SWD	14%	25%	17%
ELL	10%	8%	6%
Male	52%	69%	74%
Female	49%	31%	26%

Black students, students with disabilities, and male students are subject to exclusionary discipline at rates disproportionate to their prevalence within the K-12 population.

Sources: The Center for Civil Rights Remedies, "Lost Opportunities: How Disparate School Discipline Continues to Drive Differences in the Opportunity to Learn," 2020; Civil Rights Data Collection, "2017-18 State and National Estimations," 2018; The Hechinger Report, "Some Kids Have Returned to In-Person Learning Only to be Kicked Right Back Out," 2022; American Institute Research, "AIR Study Finds More Severe Suspensions Have Greater Negative Effects on Academic Outcomes, Attendance and Future Behavior," 2021; National Institute of Justice, "Student Suspensions Have Negative Consequences, According to NYC Study," 2021; Justice Quarterly, "School Suspensions and Adverse Experiences in Adulthood," 2016.

However, classroom disorder is also correlated with poor student outcomes.

Research on the "peer effect" — the impact that a given student's classmates have on their academic achievement — shows that students' academic achievement is influenced by the characteristics of other students in the classroom:

- Exposure to disruptive or aggressive behavior in classrooms can affect students' own behavior, which can impede their learning.

- Student reports of disruptive behavior in classrooms are negatively correlated with achievement, even when controlling for variables like prior achievement.

- In the long term, exposure to a disruptive peer during elementary school reduces future earnings by an estimated 3-4%.
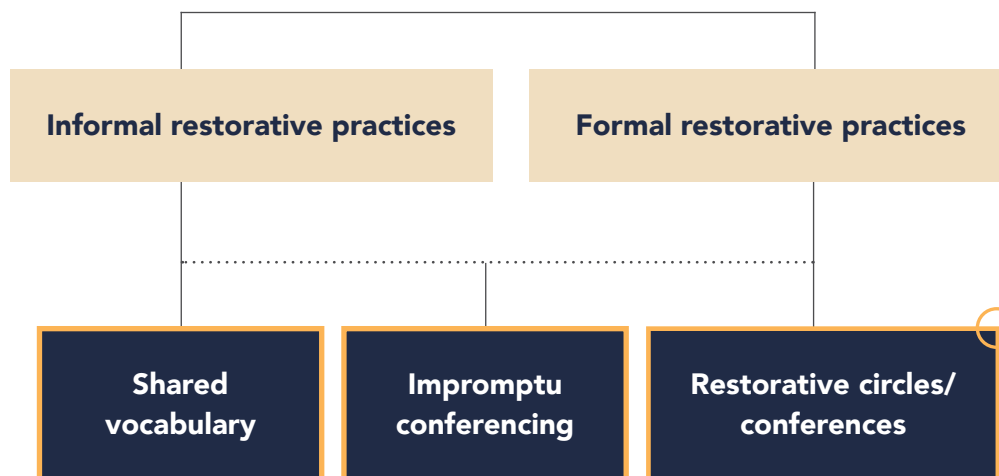
Balancing these two facts — that exclusionary discipline is harmful to the students subjected to it, while at the same time, keeping disruptive students in the classroom harms the academic outcomes of their peers — **is what makes the issue of school discipline so challenging**.

52   *Sources*: Carrell, Hoekstra, and Kuka, "The Long-Run Effects of Disruptive Peers," 2016; Blank and Shavit, "The Association Between Student Reports of Classmates' Disruptive Behavior and Student Achievement," 2016; Hoxby, "Peer Effects in the Classroom: Learning From Gender and Race Variation," 2000.

To address racial disparities and long-term effects of exclusionary discipline, many schools are turning to restorative practices.

"Restorative approaches to discipline 'proactively build healthy relationships and a sense of community to prevent and address conflict and wrongdoing.' Instead of 'compelling students to meet expectations by rewarding desired behaviors and punishing misbehavior, restorative approaches promote student investment and responsibility for shared routines and norms.'"

—SARAH KLEVAN, LEARNING POLICY INSTITUTE

Continuum of Restorative Practices

Informal restorative practices	Formal restorative practices
Shared vocabulary	Impromptu conferencing

Restorative circles/conferences

Shared vocabulary: Staff and students have a consistent way to express feelings in a healthy, productive way (e.g., using "I" statements)

Impromptu conferencing: Brief, as-needed conversations to redirect a student's behavior

Restorative circles: Structured processes led by a trained facilitator; can be used for a variety of purposes (e.g., building community, welcoming a student back)

Restorative conferences: Similar to restorative circles but the focus is conflict resolution

 Sources: Klevan, Sarah, Learning Policy Institute, "Building a Positive School Climate Through Restorative Practices," 2021; Schott Foundation for Public Education, Advancement Project, American Federation of Teachers, & National Education Association, "Restorative Practices: Fostering Healthy Relationships and Promoting Positive Discipline in Schools," 2014. Figure re-created from: Learning Policy Institute, Building a Positive School Climate Through Restorative Practices, 2021.

Proponents hope restorative practices are an effective alternative, but the research is mixed.

Research on restorative practices points to some promising signs …

- They reduce overall suspension rates and have the potential to address disparities in suspensions.

- They improve school climate for staff and students.

- They strengthen students' social and emotional skills.

- A randomized-control trial conducted in Pittsburgh Public Schools in Pennsylvania found that the district's approach to restorative justice:
  - Improved overall school climate, as reported by teachers.
  - Reduced the average suspension rate and narrowed gaps in suspension rates by race and income, particularly in elementary schools.

… but also finds some neutral and negative outcomes.

- A study of restorative practices in Maine found:
  - No difference in school climate between middle schools implementing restorative approaches and those that didn't.
  - Implementation is incredibly difficult.

- The Pittsburgh study also found that:
  - Academic outcomes worsened at the middle school level, for Black students in particular.
  - Suspension rates did not decrease at the middle school level.
  - Suspension rates did not decrease for male students or those with an individualized education program.
  - Students reported their teachers struggled to manage student behavior.

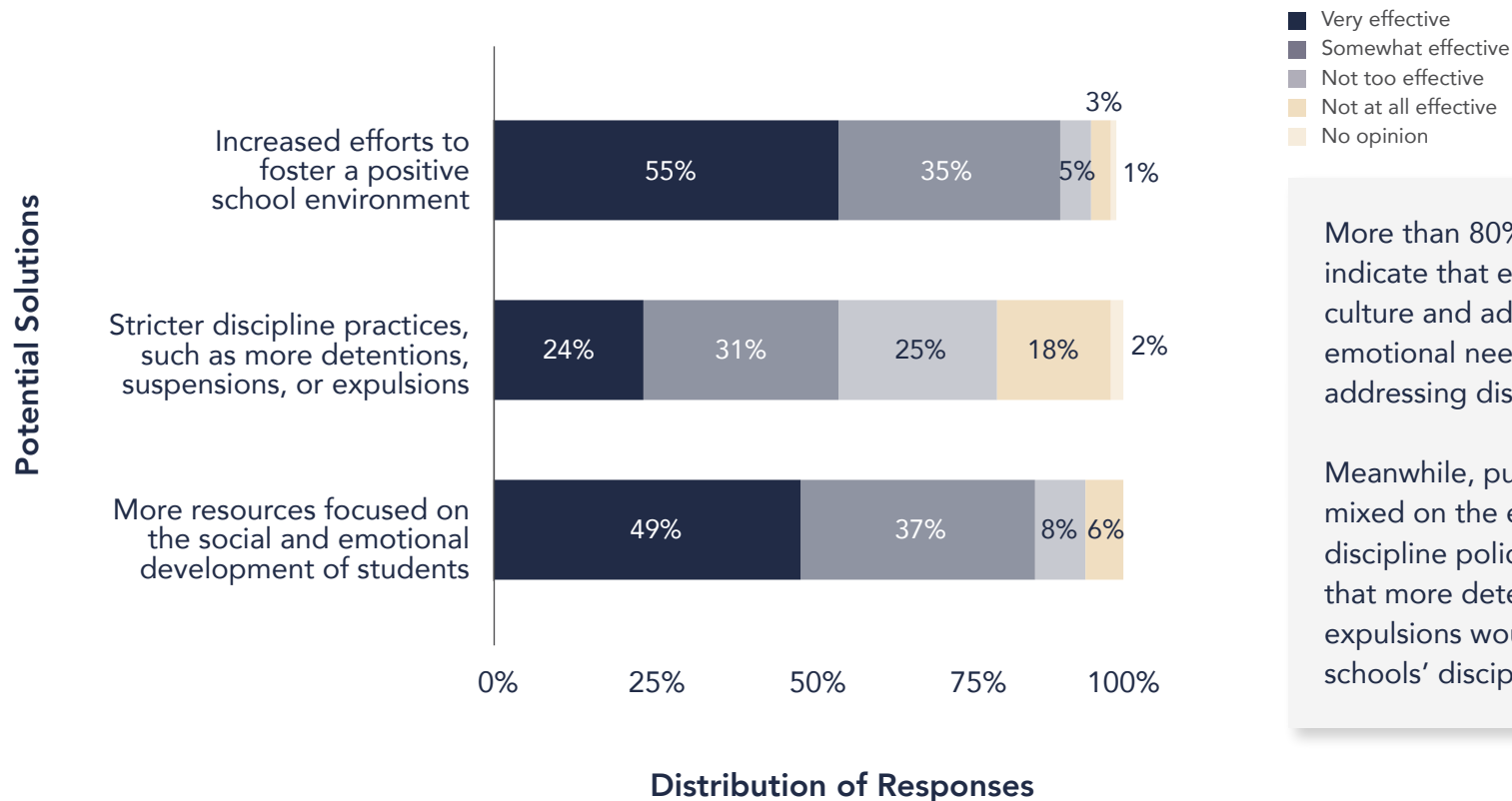# Implementation of restorative practices remains a major challenge.

The success of restorative practices is often hindered by poor implementation, including:

- Mandating a restorative approach from the top down, without buy-in from school staff and students.

- Implementing a narrow model (e.g., only restorative circles without full attention to the entire school community).

- Neglecting to explicitly address how dynamics around race, power, and other cultural issues in school can make it difficult to establish trusting relationships that advocates say are the foundation of restorative practices.

- Relying too heavily on one-off trainings for teachers and staff rather than sustained support.

- Trying to use restorative practices in instances where more intensive measures are needed.

- Failing to adequately resource the program, including time, additional staffing, and money.

- Creating a culture where school officials are more concerned about simply reducing exclusionary discipline to meet accountability targets rather than comprehensively addressing school culture and safety.

 Sources: National Education Policy Center, "The Starts and Stumbles of Restorative Justice in Education: Where Do We Go From Here?," 2020; RAND, A Cluster-Randomized Trial of Restorative Practices, 2016.

Most adults think that addressing school culture and student development is more effective than stricter discipline practices …

How effective do you think each of the following potential solutions would be in addressing discipline issues in schools?
2019 Survey of U.S. Adults Ages 18 and Over

Legend:
- ■ Very effective
- ■ Somewhat effective
- ■ Not too effective
- ■ Not at all effective
- ■ No opinion

Potential Solutions

Increased efforts to foster a positive school environment: Very effective 55% | Somewhat effective 35% | Not too effective 5% | Not at all effective 1% | No opinion 3%

Stricter discipline practices, such as more detentions, suspensions, or expulsions: Very effective 24% | Somewhat effective 31% | Not too effective 25% | Not at all effective 18% | No opinion 2%

More resources focused on the social and emotional development of students: Very effective 49% | Somewhat effective 37% | Not too effective 8% | Not at all effective 6%

X-axis: 0% — 25% — 50% — 75% — 100%

Distribution of Responses

More than 80% of adults surveyed indicate that efforts to improve school culture and address students' social and emotional needs would be effective in addressing discipline issues in schools.

Meanwhile, public sentiment is more mixed on the effectiveness of stricter discipline policies — 54% of adults feel that more detentions, suspensions, or expulsions would effectively address schools' discipline issues.

Note: Percentages may not sum to 100 due to rounding. ***Source***: Communities in Schools, "Gallup Poll: Discipline in Schools," 2019.

... while many teachers struggle with restorative approaches and continue to see a role for suspensions and expulsions.
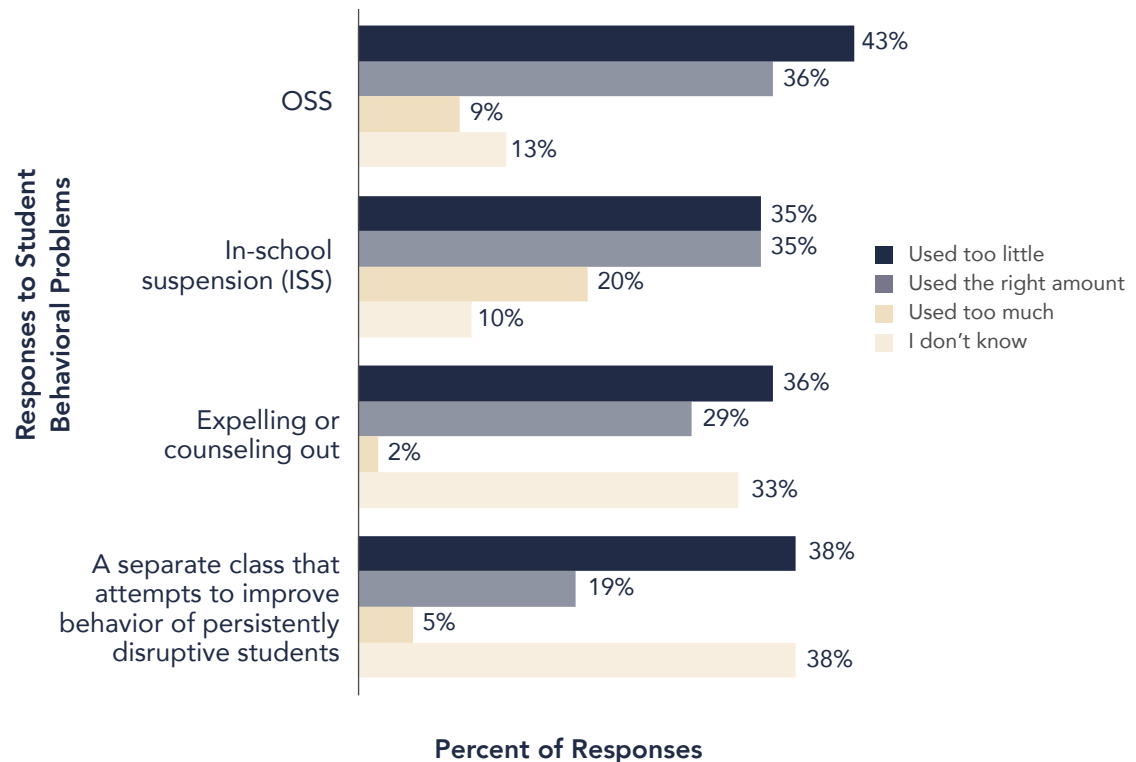
Schools and districts have faced pushback from teachers following a move to restorative practices to address student discipline.

For example:

- In California's Fresno Unified School District, 70 of the high school's 85 teachers signed a petition against the school's restorative justice program, citing a lack of accountability for student behavior and poor implementation.

- Des Moines Public Schools in Iowa dealt with backlash from parents and teachers who said the new restorative approach to discipline escalated bad behavior in classrooms.

- A survey of union members in Indiana's Indianapolis Public Schools found that 41% did not feel supported when dealing with discipline and 61% felt they lacked training on the district's new approach.

- Michael Mulgrew, president of the United Federation of Teachers in New York City, spoke out against the district's ban on suspensions for grades K-2, citing the lack of a clear plan to deal with young students' behavioral problems.

In general, do you think your school used the following responses to student behavior problems too much, too little, or about the right amount?
2019 Survey of Public School Teachers

Legend:
- Used too little
- Used the right amount
- Used too much
- I don't know

OSS
- 43%
- 36%
- 9%
- 13%

In-school suspension (ISS)
- 35%
- 35%
- 20%
- 10%

Expelling or counseling out
- 36%
- 29%
- 2%
- 33%

A separate class that attempts to improve behavior of persistently disruptive students
- 38%
- 19%
- 5%
- 38%

Y-axis: Responses to Student Behavioral Problems

X-axis: **Percent of Responses**

> More than one-third of teachers feel that OSS, ISS, and expulsion are under-used to address behavioral problems.

Sources: PBS, "More Teachers' Union Leaders Come Out Against New Student-Discipline Policies," 2016; Des Moines Register, "Des Moines School Discipline Reform Stirs Backlash," 2016; Education Week, "Teachers' Union Leaders Question New Student-Discipline Policies," 2016; MyIPS, "Code of Conduct and School Climate," 2016; *New York Daily News*, "Teachers Need the Power to Suspend: Chancellor Carmen Fariña's School Discipline Reforms Go Too Far," 2016; Thomas B. Fordham Institute, "Discipline Reform Through The Eyes of Teachers," 2019.
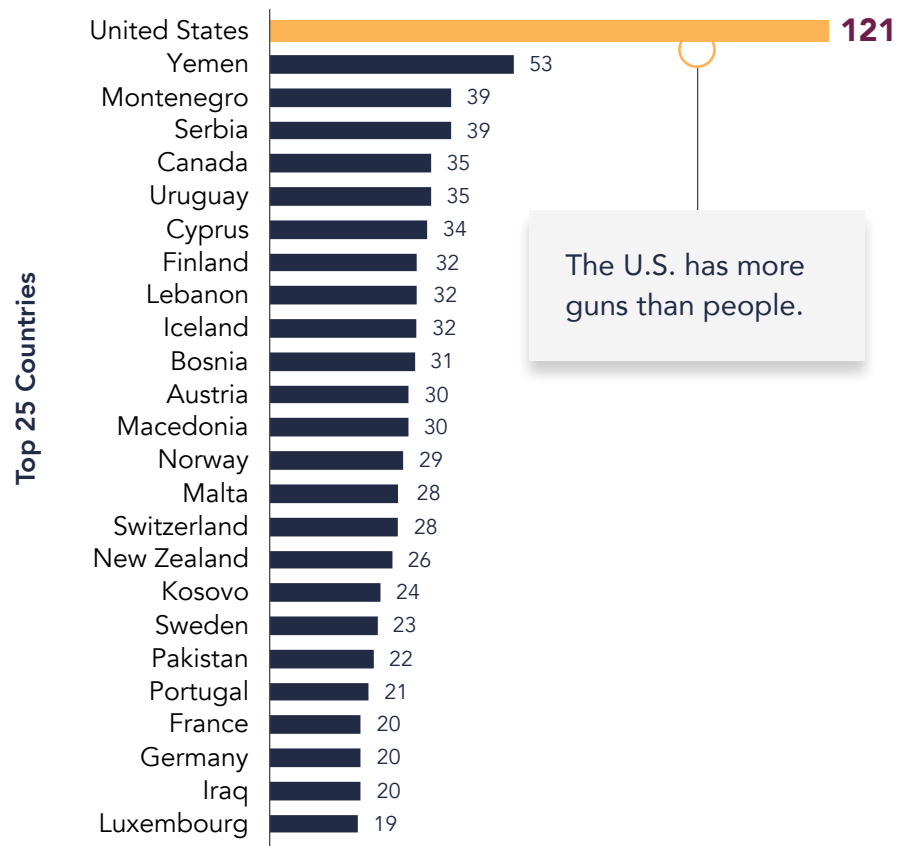
Contents

Guns and School Safety

Increasing gun violence and several high-profile shootings, including one at an elementary school in Uvalde, Texas, have thrust the issue of gun control to the forefront of public discourse. Americans are divided on the issue, with no signs of coming agreement:

- The U.S. has **more guns than people, more guns per capita than anywhere else in the world**, and as a result of both accidents and crime, guns have become **the leading cause of death for young people ages 1-19**.

- Gun purchases and gun violence **increased throughout the pandemic**.

- While Americans **generally favor stricter gun control laws, there's little consensus about what those laws should do**; even where there's broad agreement, pressure from organized special interests stymies progress in Congress.

- **Some states have taken up the issue of guns very recently**, and Congress' new gun safety law provides funding for community and school-based programming.

- School shootings are top of mind in the aftermath of Uvalde, and while horrifying, **the prevalence of school shootings varies widely depending on how a "school shooting" is defined**.

- Because policymakers struggle to reach consensus about gun policy more broadly, **school safety and issues concerning guns and schools are often the only point of agreement and thus become the focus of policymaking**.
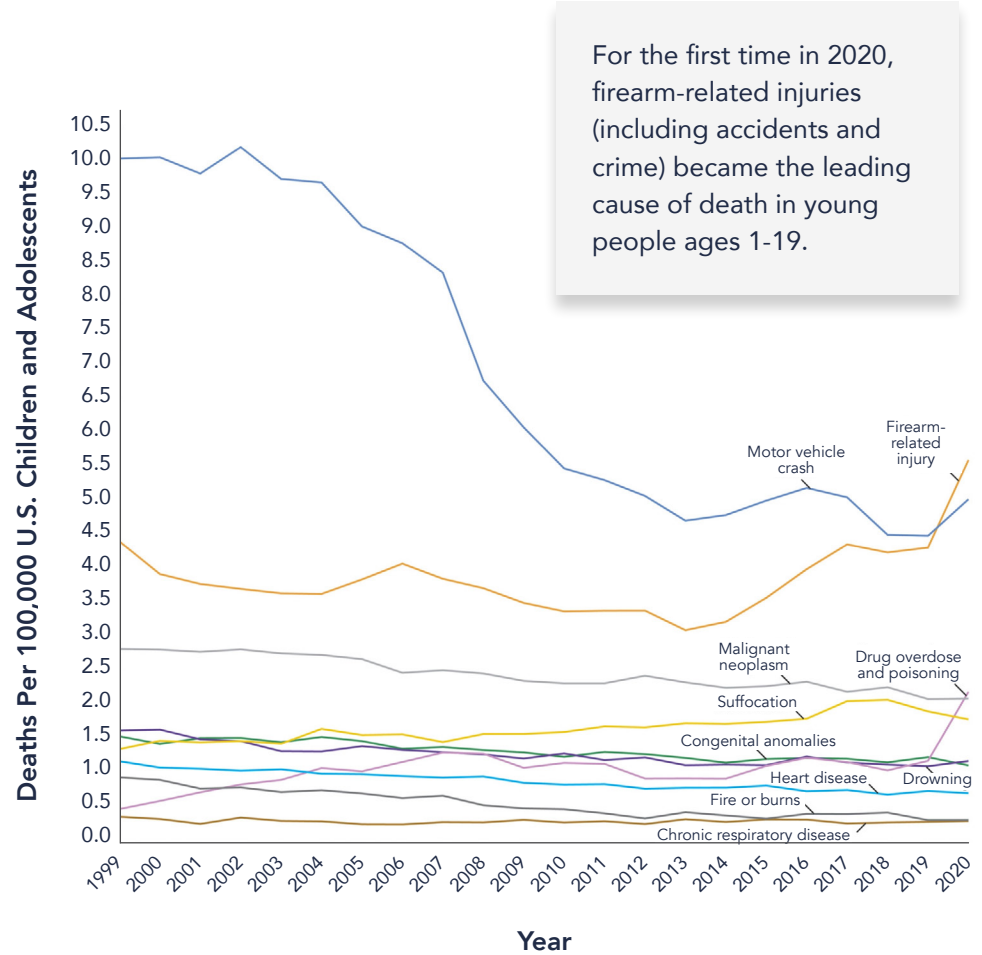
As of 2017, the U.S. had the most per-capita guns in the world; in 2020, guns were the leading cause of death in kids.

Civilian Firearm Holdings per 100 Residents, Top 25 Countries
2017

Country	Value
United States	**121**
Yemen	53
Montenegro	39
Serbia	39
Canada	35
Uruguay	35
Cyprus	34
Finland	32
Lebanon	32
Iceland	32
Bosnia	31
Austria	30
Macedonia	30
Norway	29
Malta	28
Switzerland	28
New Zealand	26
Kosovo	24
Sweden	23
Pakistan	22
Portugal	21
France	20
Germany	20
Iraq	20
Luxembourg	19

Y-axis: Top 25 Countries

The U.S. has more guns than people.

Civilian Firearm Holdings per 100 Residents

Leading Causes of Death Among Children and Adolescents in the U.S.
1999-2020

For the first time in 2020, firearm-related injuries (including accidents and crime) became the leading cause of death in young people ages 1-19.

Y-axis: Deaths Per 100,000 U.S. Children and Adolescents

Lines labeled: Motor vehicle crash; Firearm-related injury; Malignant neoplasm; Drug overdose and poisoning; Suffocation; Congenital anomalies; Heart disease; Drowning; Fire or burns; Chronic respiratory disease

Year

Sources: Small Arms Survey, "Estimating Global Civilian-Held Firearms Numbers," 2018; The Centers for Disease Control, "Provisional Mortality Statistics, 2018 through Last Month Request," 2022; IPSOS, "A Survey of the American General Population," 2022; *The New England Journal of Medicine*, "Current Causes of Death in Children and Adolescents in the United States," 2022.

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Over the past decade, Americans have generally favored making gun laws stricter ...

In general, do you feel that the laws covering the sale of firearms should be made more strict, less strict, or kept as they are now?
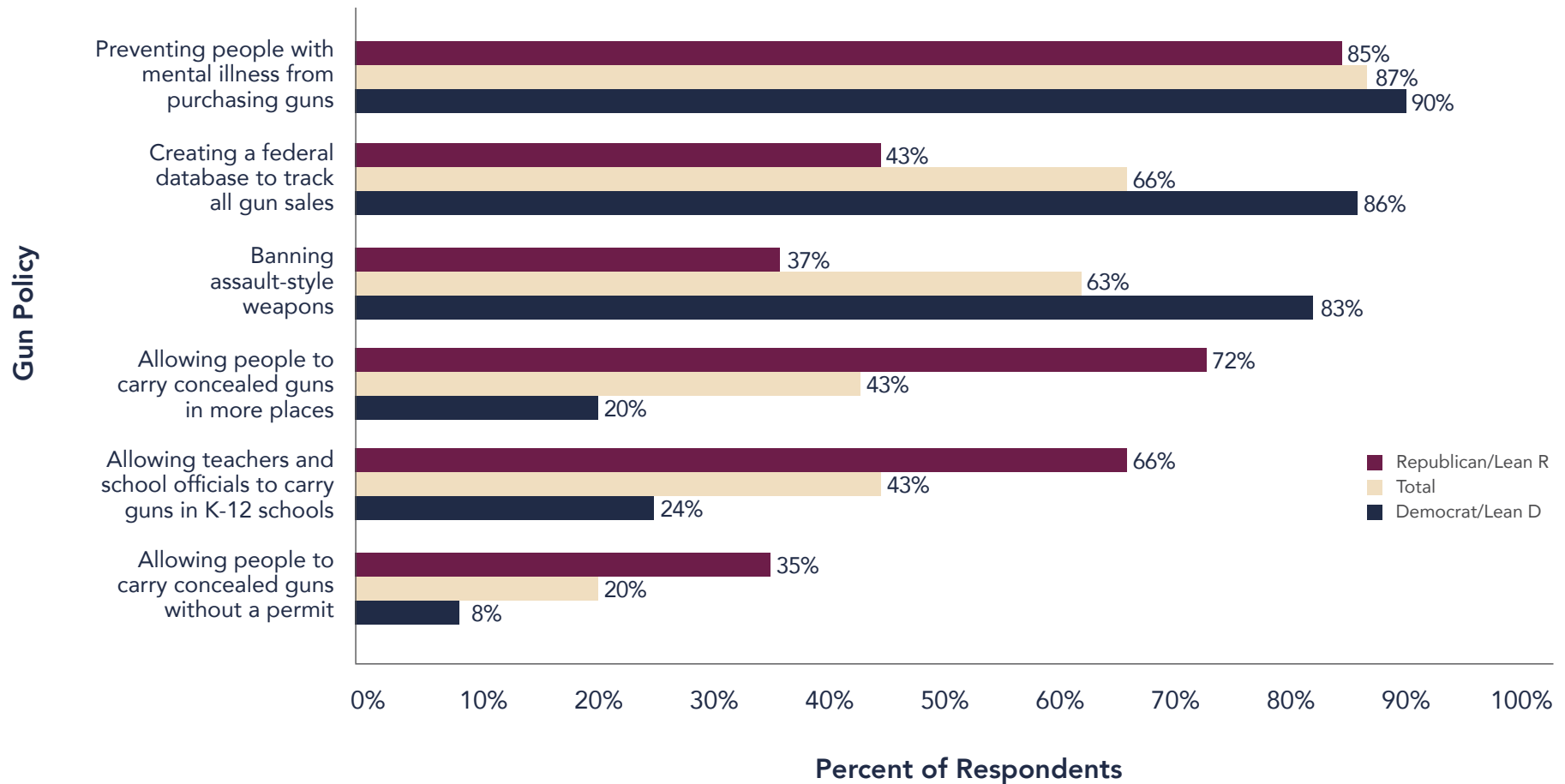*2010-2022*
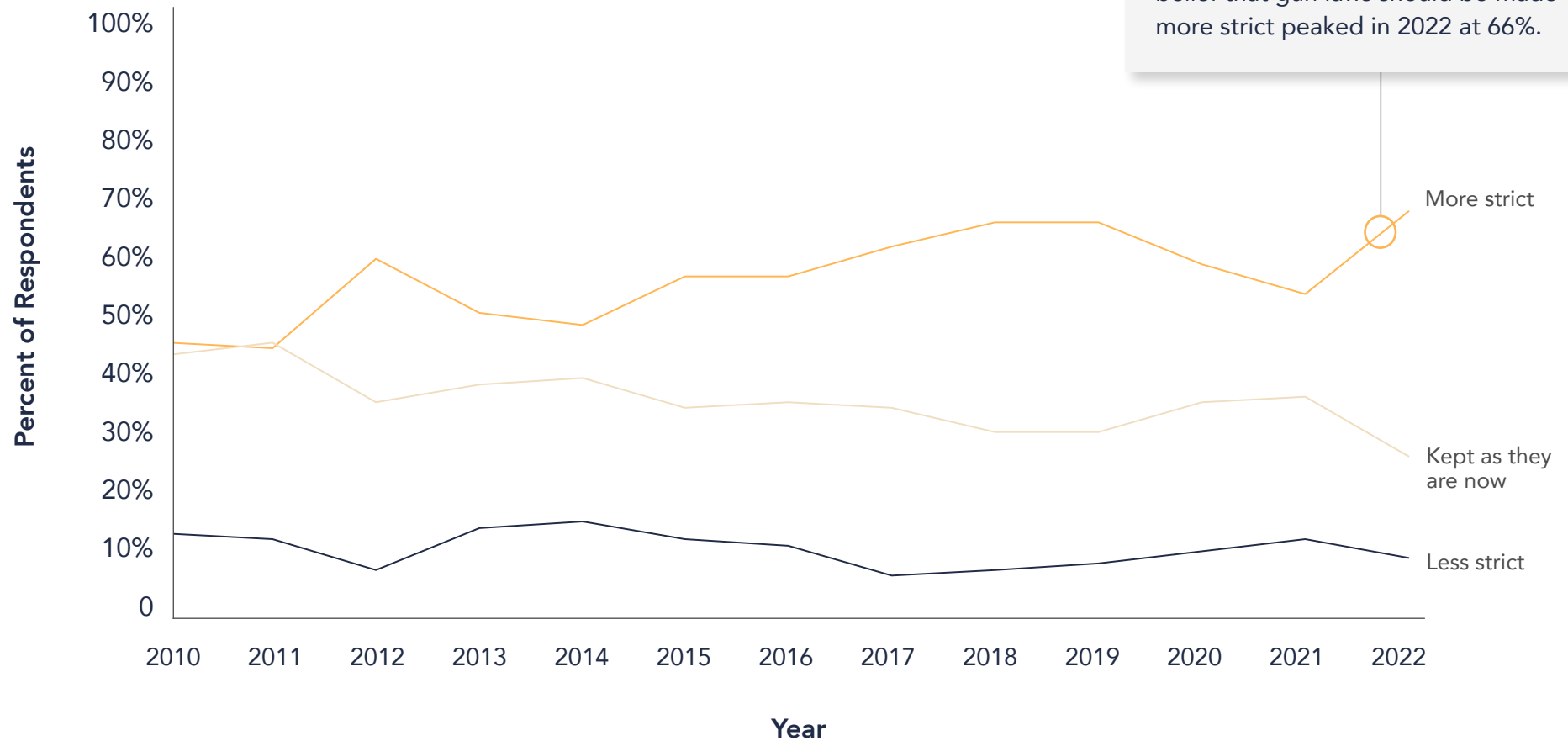
The percent of Americans indicating a belief that gun laws should be made more strict peaked in 2022 at 66%.

More strict

Kept as they are now

Less strict

Percent of Respondents

Year

100%
90%
80%
70%
60%
50%
40%
30%
20%
10%
0

2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022

Source: Gallup, "Guns," 2022.

... but there are large partisan divides about many of the specifics of gun policies.

Percent of Respondents Who Favor or Strongly Favor Various Gun Policies

Survey of U.S. Adults Conducted April 5-11, 2021

Chart: Gun Policy (y-axis) vs. Percent of Respondents (x-axis)

Legend: Republican/Lean R, Total, Democrat/Lean D

- Preventing people with mental illness from purchasing guns: 85% (Republican/Lean R), 87% (Total), 90% (Democrat/Lean D)
- Creating a federal database to track all gun sales: 43% (Republican/Lean R), 66% (Total), 86% (Democrat/Lean D)
- Banning assault-style weapons: 37% (Republican/Lean R), 63% (Total), 83% (Democrat/Lean D)
- Allowing people to carry concealed guns in more places: 72% (Republican/Lean R), 43% (Total), 20% (Democrat/Lean D)
- Allowing teachers and school officials to carry guns in K-12 schools: 66% (Republican/Lean R), 43% (Total), 24% (Democrat/Lean D)
- Allowing people to carry concealed guns without a permit: 35% (Republican/Lean R), 20% (Total), 8% (Democrat/Lean D)

Source: Pew, "Amid a Series of Mass Shootings in the U.S., Gun Policy Remains Deeply Divisive," 2021.

Bellwether.org

Even where broad public support does exist on gun-related issues, it doesn't always translate into state or federal action.

Percent of Respondents in Favor of Expanding Background Checks for Gun Purchases
Various Years

Legend: Overall, Republicans, Democrats

Polling Source	Overall	Republicans	Democrats
Pew (2021)	81%	70%	92%
Quinnipiac (2021)	89%	84%	98%
Morning Consult/Politico (2021)	84%	77%	91%
ABC/Washington Post (2019)	89%	83%	96%
Gallup (2018)	92%	86%	96%

Pew (2017): Gun owners 77%, Non-gun owners 87%

CAP* (2015): NRA-member 72%, Non-NRA member 86%

Y-axis: Percent of Respondents (0% – 100%)
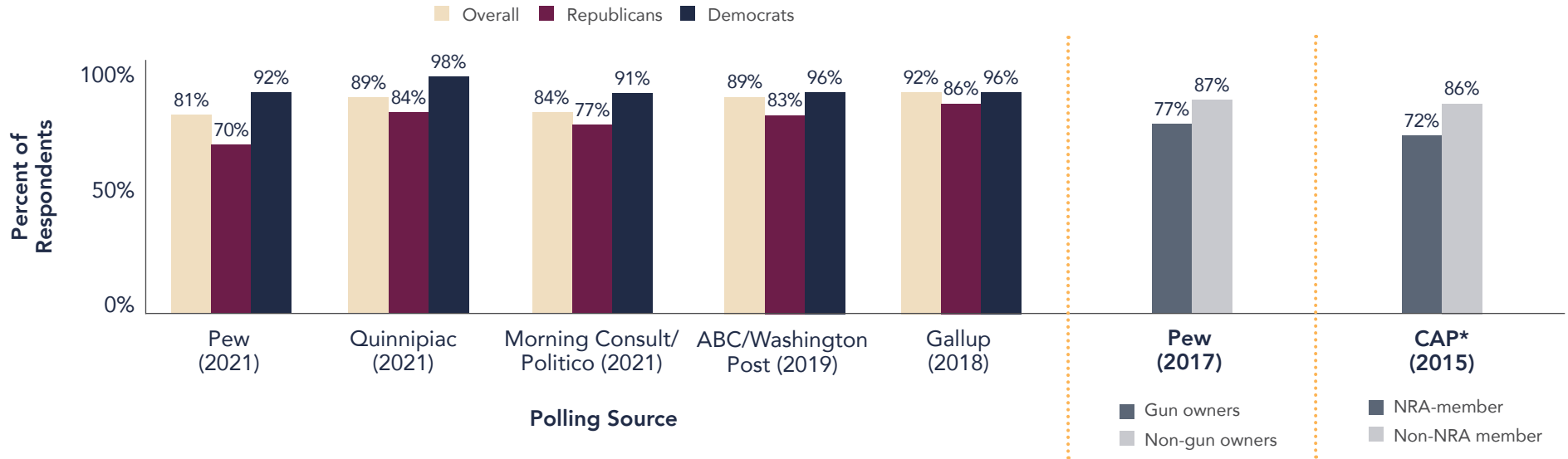
Polls consistently show high support for background checks to purchase guns, including among gun owners and National Rifle Association (NRA) members, and yet, Congress has consistently failed to act. The House passed both the Enhanced Background Checks Act of 2021 and the Bipartisan Background Checks Act of 2021. The Senate has not voted on either.

Special interest groups such as the NRA spend millions of dollars lobbying against gun control measures, despite what the general public seems to favor. In the first half of 2019, when the two background check bills were introduced, the NRA spent more than $1.6M lobbying members of the House and Senate against them. In 2021, gun rights groups spent a record $15.8M on lobbying efforts and outspent gun control groups by nearly five times.

Note: CAP = Center for American Progress. *Sources*: The Poynter Institute, "Polls Consistently Show High Support for Gun Background Checks," 2022; Pew Research Center, "Some Agreement and Many Divisions Between Owners and Non-Owners on Gun Proposals," 2017; Public Policy Polling, "National Survey Results," 2015; Congress.gov, "H.R.8 - Bipartisan Background Checks Act of 2021," 2021; Congress.gov, "H.R.1446 - Enhanced Background Checks Act of 2021," 2021; CNBC, "NRA Spent $1.6 Million Lobbying Against Background Check Expansion Laws in Months Leading up to Latest Mass Shootings," 2019; Open Secrets, "Gun Rights Groups Set New Lobbying Spending Record in 2021," 2022; Fortune, "Lobbying by Gun Rights Groups Hit a Spending Record in 2021. They Outspent Gun Control by More than 5x," 2022.

Bellwether.org

Gun purchases spiked during the pandemic — along with an increase in gun violence.

Millions of adults bought guns for the first time during the pandemic, while hundreds more mass shootings occurred than would have been expected.

Various research has found that:
- There was a surge in background checks (a proxy for gun purchases) starting in March 2020.
- 7.5M adults became new gun owners between Jan. 1, 2019, and April 26, 2021; 5.4M adults became first-time gun owners in 2021 alone.
- 33% of new gun owners were women.
- There was a 58% increase in Black Americans buying guns in 2020 compared to 2019, and a 49% increase in Hispanic Americans buying guns.
- There were 4.3M more firearm purchases nationally from March to July 2020 than expected.
- There were 4,075 more firearm injuries than expected from April through July 2020.
- Gun homicides and non-suicide-related shootings took 19,300 lives in 2020, a 25% increase from 2019.
- 39% of American households now own guns, up from 32% in 2016.

Daily Number of U.S. Shootings Involving Four or More Victims
January 2014 to June 2021
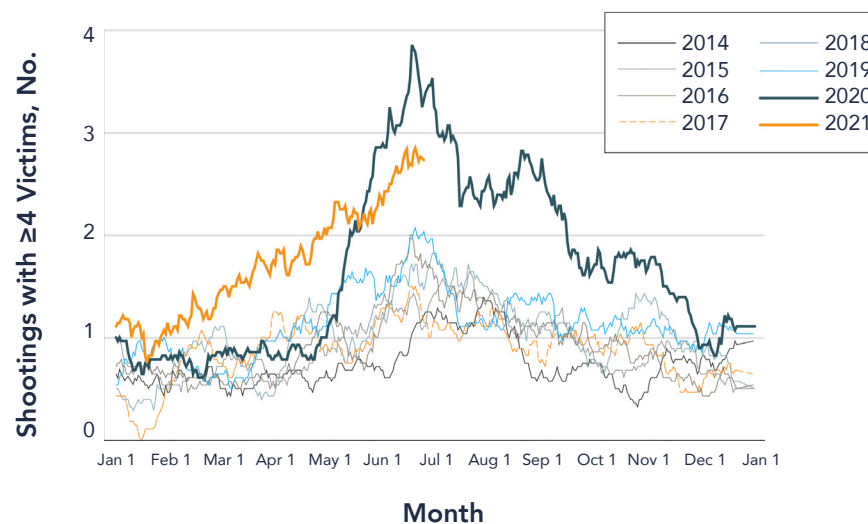
These data suggest that there were 343 more mass shootings (defined as shootings that killed or injured four or more people, not counting the perpetrator) in the 15 months of the pandemic covered by the study than would have been expected, resulting in an additional 217 deaths and 1,500 injuries.

Sources: Northeastern University, "U.S. Gun Sales Have Been Surging, Study Finds," 2021; *Annals of Internal Medicine*, "Firearm Purchasing During the COVID-19 Pandemic: Results From the 2021 National Firearms Survey," 2022; BioMed Central, "Firearm Purchasing and Firearm Violence During the Coronavirus Pandemic in the United States: a Cross-Sectional Study," 2021; *New York Times*, "An Arms Race in America," 2021; Everytown, "Gun Violence and COVID-19 in 2020," 2021; JAMA Network Open, "Mass Shootings in the US During the COVID-19 Pandemic," 2021; National Shooting Sports Foundation, "Mass Shootings in the US During the COVID-19 Pandemic," 2022.

In response to increasing gun violence and mass shootings, 10 states and Congress took up the issue of gun safety in 2022.

State Action

- California, Colorado, Delaware, Florida, Illinois, Maryland, New Jersey, New York, Vermont, and Washington all passed legislation in 2022 to strengthen gun control.

- These laws included provisions such as restricting the sale or possession of ghost guns (untraceable, homemade guns); banning the sale of assault rifles; strengthening identification, permitting, or registration requirements; and restricting or prohibiting the sale of high-capacity magazines.

Congressional Action

On June 25, 2022, President Biden signed into law the Bipartisan Safer Communities Act, which included seven main provisions:
- Support for state crisis intervention
- Protection for victims of domestic violence
- Clarified definition of Federally Licensed Firearms Dealer
- Enhanced review process for buyers under age 21
- Violence-interruption funding
- Investment in mental health services for children and families
- Increased funding for schools

On June 23, 2022 — just days prior to President Biden signing the Bipartisan Safer Communities Act — the U.S. Supreme Court ruled in *New York State Rifle and Pistol Association v. Bruen* that the state's concealed carry law, which required residents to demonstrate "proper cause" to carry a concealed handgun, was unconstitutional.

Bruen is the Court's first major Second Amendment decision since the 2008 ruling in *District of Columbia v. Heller*, which ruled the Firearms Control Regulation Act of 1975 unconstitutional, definitively finding that the Second Amendment protects an individual's right to possess a firearm.

The timing is noteworthy, as **the court's ruling liberalizes gun rights at the same time states and Congress were working to strengthen gun safety laws** and support communities to address gun violence.

Note: See Appendix slides for a summary of each state's legislation as well as a more detailed summary of the federal Bipartisan Safer Communities Act of 2022.

The issue of gun violence in schools is top of mind for parents in the aftermath of Uvalde.

Are you concerned about gun violence at your children's school?
June 1-3, 2022

Responses / Parent Responses

- Very concerned: 35%
- Somewhat concerned: 37%
- Not very concerned: 19%
- Not at all concerned: 9%
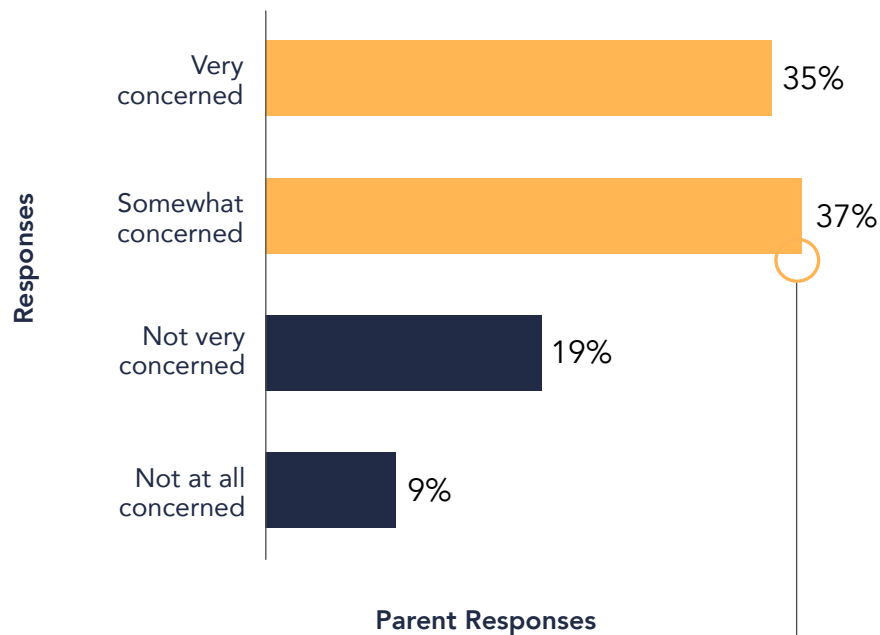
How often do your children worry about gun violence in school?
June 1-3, 2022

Responses / Parent Responses

- A lot: 29%
- Sometimes: 28%
- Not too often: 21%
- Never: 22%
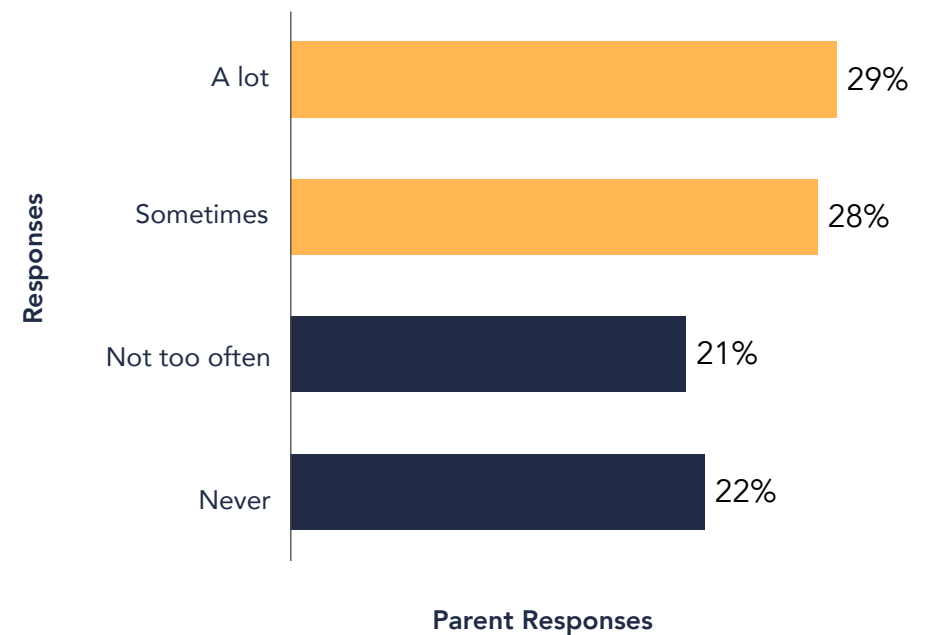
On May 24, 2022, 19 children and two adults were killed in a shooting at Robb Elementary School in Uvalde, Texas. A CBS News poll taken two weeks later finds that, among parents of school-aged children, 72% are somewhat or very concerned about school-based gun violence; 57% of their children worry about school-based gun violence sometimes or a lot.

Source: CBS News, "Parents Are Scared About Gun Violence in Schools, and So Are Their School-Aged Children — CBS News Poll," 2022.   Bellwether.org

The potential for a school shooting is horrifying — but their prevalence depends on how they're defined.

Definitions of School Shootings by Organization

Education Week (EdWeek): *Shootings on K-12 school property that result in firearm-related injuries or deaths.*

Center for Homeland Defense and Security (CHDS): *When a gun is brandished, is fired, or a bullet hits school property for any reason, regardless of the number of victims, time of day, or day of week.*

The Washington Post (WaPo): *Every act of gunfire at a primary or secondary school during school hours (only those that happened on campuses immediately before, during, or just after classes). Shootings at after-hours events, accidental discharges that caused no injuries to anyone other than the person handling the gun, and suicides that occurred privately or posed no threat to other children are excluded.*

Everytown for Gun Safety (Everytown): *Every time a firearm discharges a live round inside or into a school building or on or onto a school campus or grounds, as documented by the press.*

NBC News (NBC): *Shootings meeting four criteria: (1) One or more active shooters (an individual engaged in attempting to kill people in a confined space or populated area); (2) on school property during school hours and as students are arriving or leaving, or at school-sanctioned or school-sponsored events; (3) there is intent to harm students or faculty with a gun; and (4) at least one person, other than the shooter, is injured or dies.*

"Schools" are defined as ranging from nursery schools to colleges, universities, and technical schools.

Count of School Shootings Using Different Definitions
2021 and 2022
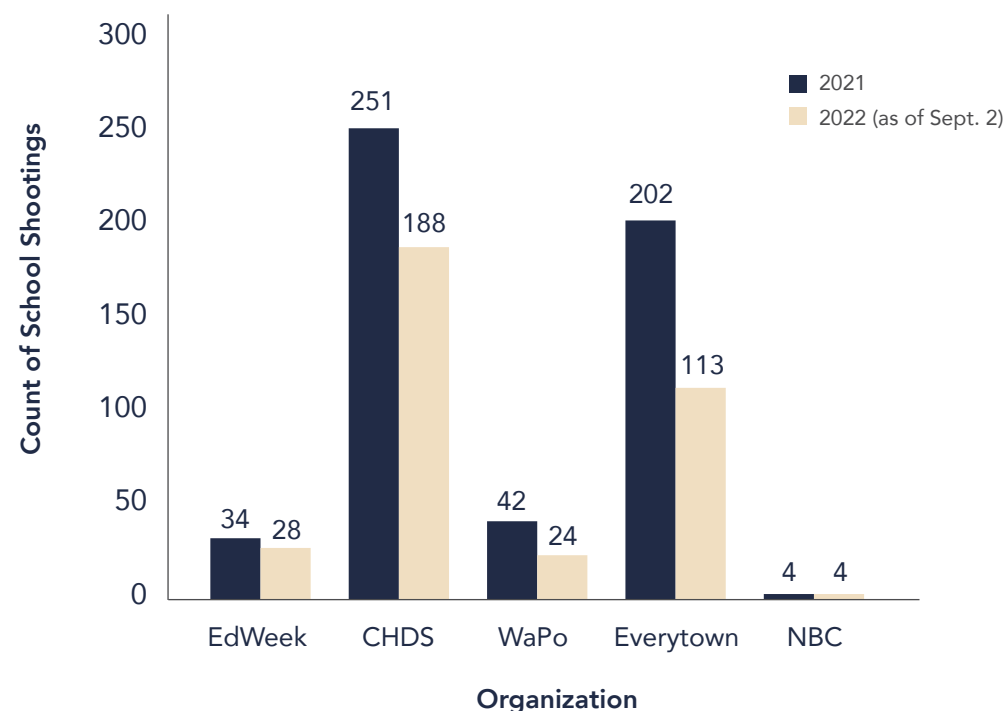
There is no consensus among the organizations that track school shootings about the definition of a "school shooting." Different definitions yield very different numbers and can confuse the nature of the problem — making it harder to identify responsive and tailored solutions.

Bellwether.org

Even in the wake of horrific school shootings, half of Americans don't see school shootings as a "guns problem."

Percent of respondents who agree and disagree with this statement:
School shootings are a mental health problem, not a guns problem.
May 28-31, 2022
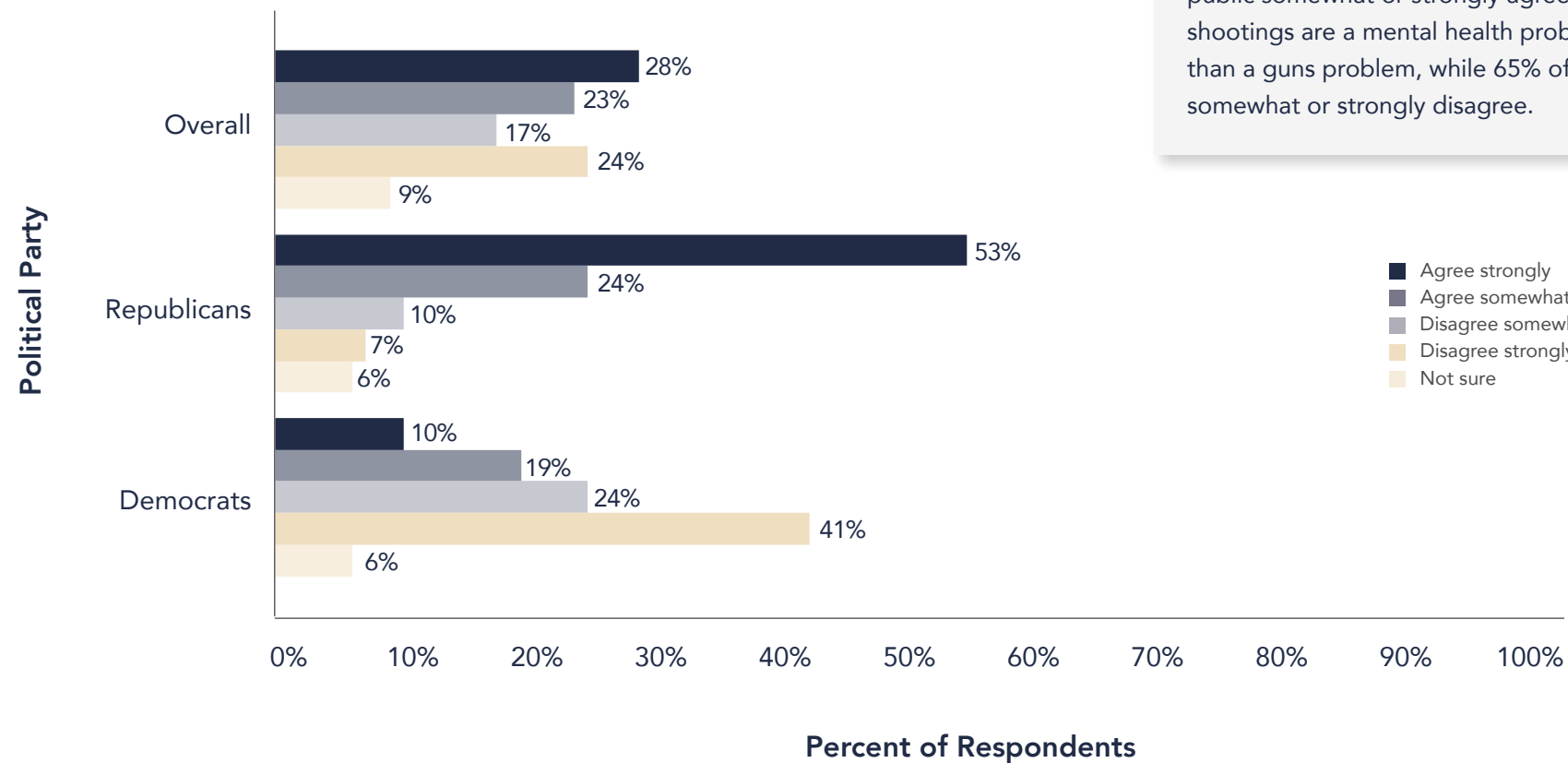
77% of Republicans and 51% of the general public somewhat or strongly agree that school shootings are a mental health problem rather than a guns problem, while 65% of Democrats somewhat or strongly disagree.

Overall
- Agree strongly: 28%
- Agree somewhat: 23%
- Disagree somewhat: 17%
- Disagree strongly: 24%
- Not sure: 9%

Republicans
- Agree strongly: 53%
- Agree somewhat: 24%
- Disagree somewhat: 10%
- Disagree strongly: 7%
- Not sure: 6%

Democrats
- Agree strongly: 10%
- Agree somewhat: 19%
- Disagree somewhat: 24%
- Disagree strongly: 41%
- Not sure: 6%

Legend:
- Agree strongly
- Agree somewhat
- Disagree somewhat
- Disagree strongly
- Not sure

Political Party (y-axis)

Percent of Respondents (x-axis)

Note: Percentages may not sum to 100 due to rounding. *Source*: YouGov, "The Economist/YouGov Poll," 2022.

Yet over the past two years, nine states have passed legislation addressing the issue of guns in schools.

State	Bill Number	Year Passed	Summary
ID	S 1116	2021	Requires the expulsion of a student for possession of a firearm
IL	HB 5193	2022	In safety education curriculum, adds the topic of gun safety to the category of safety in the home
KY	SB 8	2020	Updates definition of a school resource officer and requires each school resource officer to be armed (prior legislation prohibited weapons in schools regardless of who was carrying them)
MT	SB 283	2021	• Requires districts to expel students for having possessed a firearm at school, rather than solely bringing it to school • Allows school personnel to suspend a student if there is cause to believe they brought a firearm to school or possessed a firearm at school • Adds requirement for sanctioned instances where firearms can be brought to school by students
OH	HB 99	2022	Allows schools to opt in or out of a program that allows teachers to be armed in schools
OR	SB 554	2021	Allows the governing board of a district, public university, or community college to adopt a policy providing that the ability to carry a concealed handgun does not apply to the possession of a firearm on school or institution grounds
RI	HB 5555/ SB 73	2021	Prohibits the possession of firearms on school grounds except for peace officers, retired law enforcement officers, and persons under contract to provide school security services (prior legislation did not explicitly allow any school personnel to carry weapons)
TX	SB 741	2021	Existing law allows districts to employ school marshals who may carry firearms; regulations must provide that marshals can carry a concealed handgun unless their primary duty involves regular, direct contact with students; this law allows a marshal to carry a handgun even when in direct contact with students so they can use it if necessary
VA	SB 1080	2020	Provides that no school board may authorize or designate any person to possess a firearm on school property other than those expressly authorized by statute; clarifies that no exemption exists for a special conservator of the peace to possess a firearm or other weapon on school property

Source: Education Commission of the States, "Weapons in Schools," 2019.

The 2022 Bipartisan Safer Communities Act also focused heavily on schools, in lieu of more controversial topics.

While the act is a step forward, it doesn't include any of the major platform issues of gun control advocates, such as:

- Requiring universal background checks
- Banning assault weapons and high-capacity magazines
- Raising the age for buying a gun
- Outlawing ghost guns

These issues are non-starters for gun rights groups and for many Republicans. In response to a speech President Biden made renewing the call for a ban on assault weapons and high-capacity magazines, Sen. John Cornyn (Texas), the lead Republican negotiator for the Bipartisan Safer Communities Act, said:

"... the sorts of things [Biden] was calling for, don't have support in the Senate or in the Congress on a bipartisan basis. In other words, they can't get done."

Where Republicans and Democrats can get things done is around schools. The final bill included billions of dollars for school-based programming, including:

- $500M to the School-Based Mental Health Services Grant Program

- $500M in funding to the Mental Health Service Professional Demonstration Grant

- $1B through Title IV-A to support activities to improve conditions for student learning

- $50M to the 21st Century Community Learning Centers program

- $300M through the STOP School Violence Act to support school safety

70   *Sources*: The Hill, "Cornyn Shuts Door on Additional Gun Control Talks," 2022; The Brady Plan, "A Comprehensive Approach to Preventing Gun Violence," 2018; Everytown, "Everytown for Gun Safety," 2022.

Looking forward, gun control is likely to remain a gridlocked issue in this country, divided by party lines.

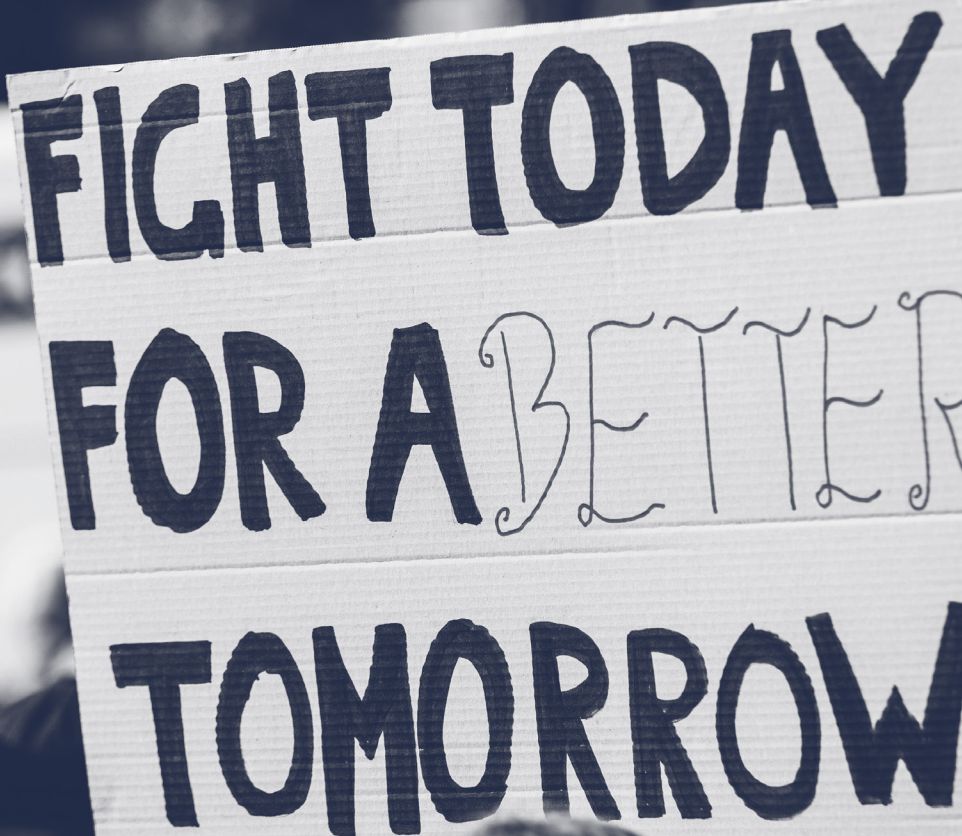**Percent of Respondents Who Say It's More Important to …**
2000-2022

Control gun ownership

66 54 60 55 49 42 45 52 53 52 46 47 47

29 42 32

Protect the right of Americans to own guns

Percent of Respondents

2000 2002 2004 2006 2008 2010 2012 2014 2016 2018 2020 2022

Year
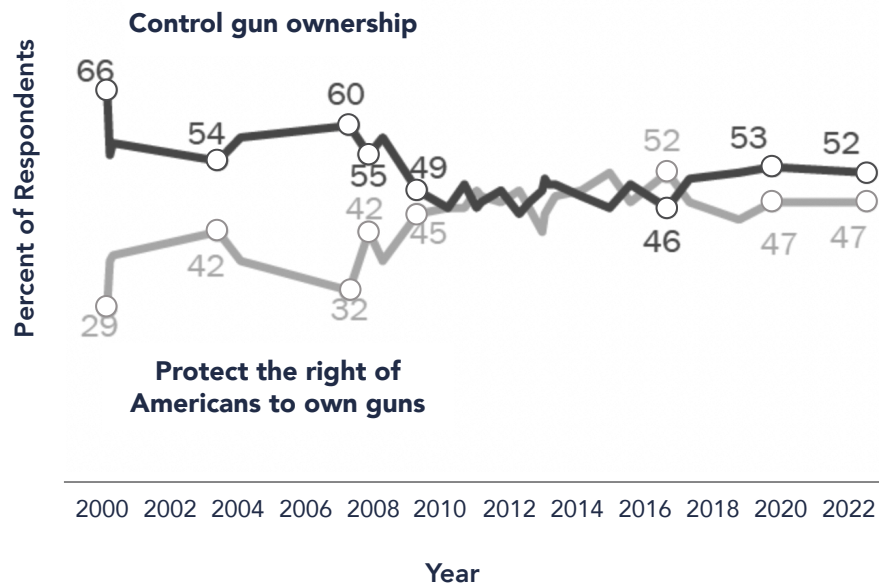
Percent of Respondents Who Say It's More Important to Protect the Right of Americans to Own Guns
2000-2022

Rep/Lean R

38 56 56 66 81 80 81

47

29 30 27

20 22 28 21 18

Dem/Lean D

Perent of Respondents

2000 2002 2004 2006 2008 2010 2012 2014 2016 2018 2020 2022

Year
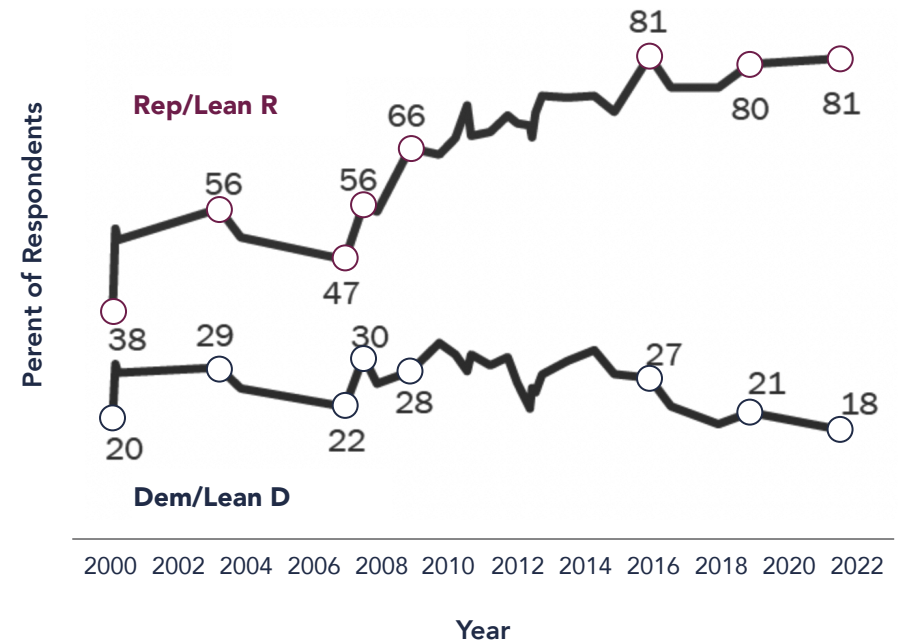
Over the past decade, Americans have been closely divided on the question of whether it's more important to control gun ownership or protect the rights of Americans to own guns. However, the issue is sharply divided along political party lines, with 81% of Republicans and just 18% of Democrats saying in 2022 that it is more important to protect gun ownership rights than control it.

Contents

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Race and Racism

The May 2020 murder of George Floyd by a Minneapolis, Minnesota police officer was a tipping point for the U.S. The tragedy of Floyd's death — compounded with education, health, and economic racial disparities throughout the pandemic — led to an eruption of anger and frustration nationwide. In response to public demands for change, businesses, government systems, and school systems began addressing the issue of systemic racism through actions like public commitments to DEI work. However, poor design and implementation of DEI work led to national criticisms of it, which sparked a conservative political backlash. National tension regarding DEI, racism, and K-12 education has escalated for a variety of reasons, including:

- Racial tensions that boiled over during the pandemic **boiled over into the workplace and spilled into everyday life** for many Americans.

- **Spending on DEI consultants and initiatives** dramatically increased in the wake of Floyd's murder, with a **sudden and rapid** rate of adoption for DEI work across the U.S.

- As DEI work became more prevalent, **tension, confusion, and quality issues** began to surface, and **CRT emerged as a political catchall** for everything related to DEI, social justice, race, and racism.

- President Trump issued an EO **banning DEI trainings in the federal government**.

- The history of the U.S., **the history of race and racism**, and how or when it is taught in schools continues to be a contentious topic despite a surprising amount of common ground among many Americans.

Issues of race, racism, and equity became a focal point, especially for the progressive left and Black Americans.

On a scale from 1 to 10, with 1 as not important at all and 10 as extremely important, how important do you think the historical legacy of racism in the United States is in influencing the current protests and demonstrations in dozens of U.S. cities?
May 20 to June 1, 2020

Respondent Subgroup

Liberal	**52%**
Moderate	35%
Conservative	22%
White	31%
Hispanic	31%
Black	**58%**
Other (ethnicity)	39%

Percent of Responses

Not important at all — 1 2 3 4 5 6 7 8 9 10 — Extremely important

Don't know/no opinion

Source: Morning Consult, "National Tracking Poll 2005131," 2020.

Bellwether.org
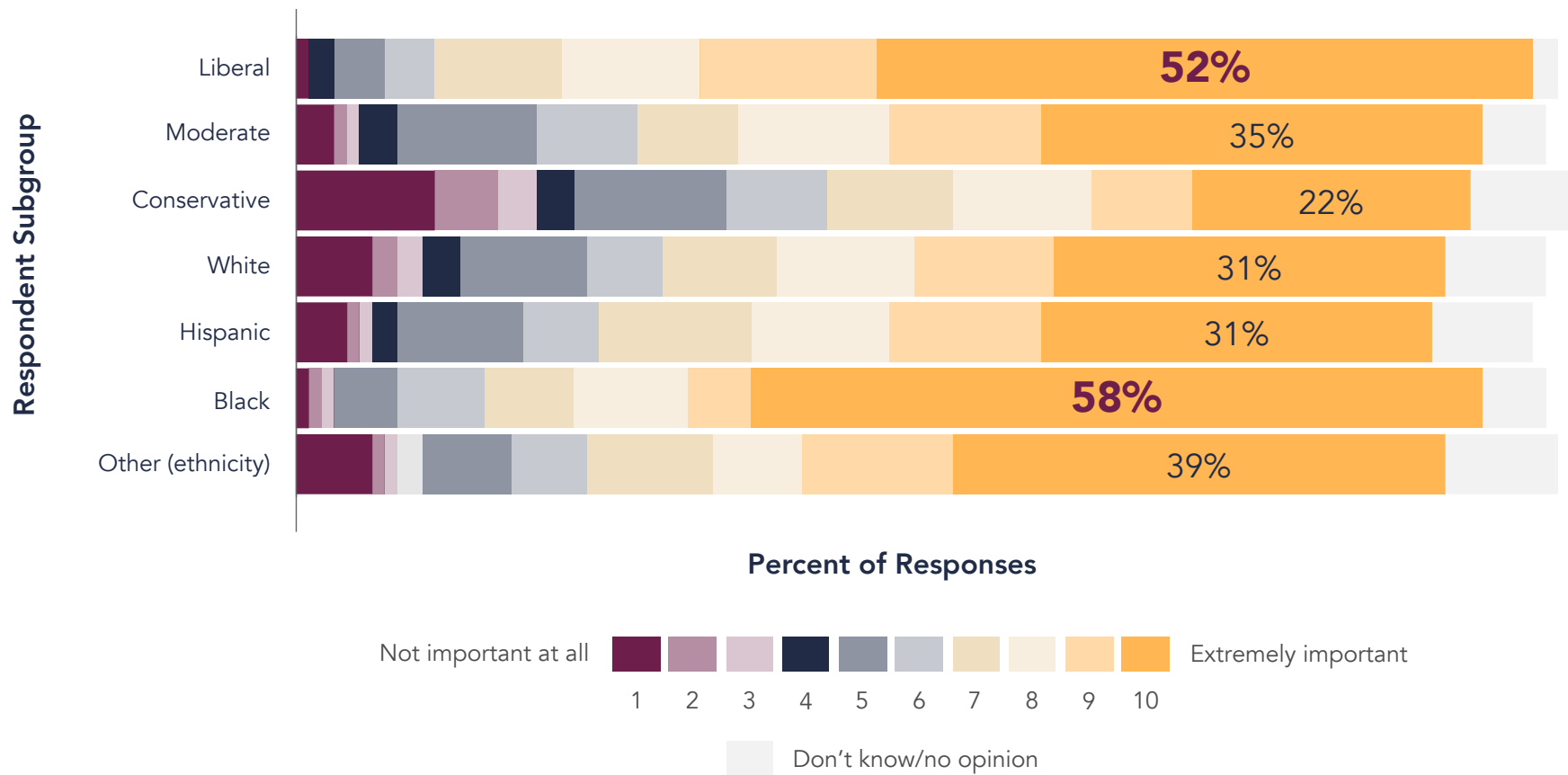
Responding to the concerns regarding race and racism in the U.S., many business sectors began investing in DEI work.

It's a start: Fortune 1000 companies commit $66 billion to racial-equity initiatives

Following the George Floyd Protests …
May 25 to Oct. 31, 2020; N=1144 Encompassing New and Recently Removed Fortune 1000 Companies

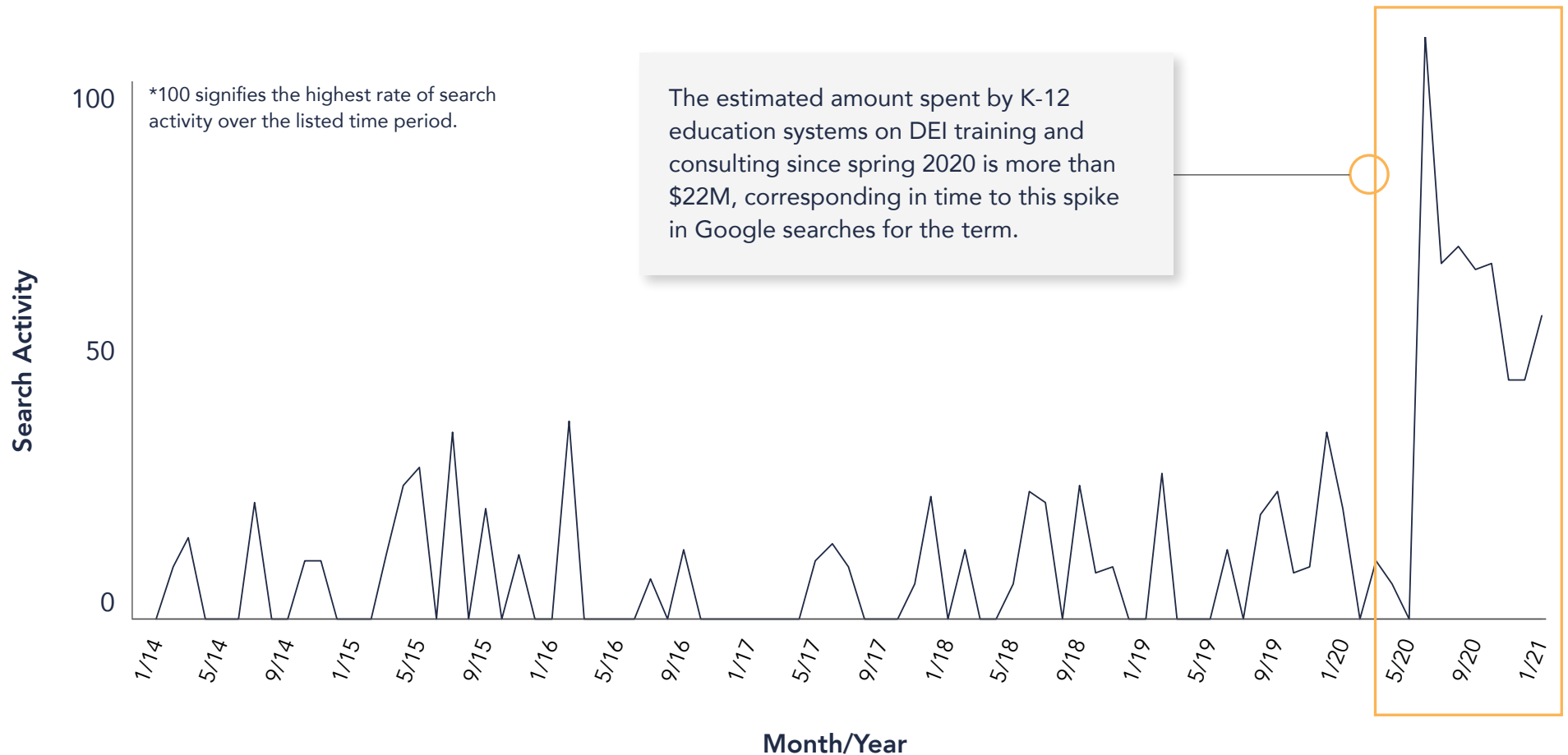**32%** of companies made statements in support of racial justice.

22% of companies made external commitments to promote racial equity with regard to economic opportunities.

18% of companies made internal commitments to promote DEI.

 Sources: McKinsey Institute for Black Economic Mobility, "It's A Start: Fortune 1000 Companies Commit $66 Billion to Racial-Equity Initiatives," 2020; McKinsey Institute for Black Economic Mobility, "It's Time for a New Approach to Racial Equity," 2020.

Interest in DEI training increased significantly …

Google Search Activity: "DEI Training"
January 2014 to January 2021

*100 signifies the highest rate of search activity over the listed time period.

The estimated amount spent by K-12 education systems on DEI training and consulting since spring 2020 is more than $22M, corresponding in time to this spike in Google searches for the term.

Search Activity

Month/Year

Sources: Parents Defending Education, "Consultant Report Card," 2021; ProPublica Nonprofit Explorer, "National Equity Project," 2022; ProPublica Nonprofit Explorer, "Collaborative for Academic Social & Emotional Learning," 2022; ProPublica Nonprofit Explorer, "Mid Atlantic Equity Consortium Inc.," 2022; ProPublica Nonprofit Explorer, "Fellowship for Race & Equity in Education," 2022; ProPublica Nonprofit Explorer, "Race Forward," 2022; ProPublica Nonprofit Explorer, "ONETILT," 2022; ProPublica Nonprofit Explorer, "Beloved Community," 2022.

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... and leading nonprofit DEI consulting organizations saw tremendous revenue growth in the 2020 fiscal year.

Percent Growth in Revenue Among Leading U.S. Nonprofit DEI Consultancies
2019-20

Some of the leading national DEI nonprofits saw historic spikes in total revenue during the 2020 fiscal year.

National DEI Nonprofits

Organization	Percent Growth
National Equity Project	19%
Collaborative for Academic, Social, and Emotional Learning	30%
Mid-Atlantic Equity Consortium	70%
The Equity Lab	81%
Race Forward	89%
One Tilt	101%
Beloved Community	131%

Percent Growth in Revenue

77 **Sources**: Parents Defending Education, "Consultant Report Card," 2021; ProPublica Nonprofit Explorer, "National Equity Project," 2022; ProPublica Nonprofit Explorer, "Collaborative for Academic Social & Emotional Learning," 2022; ProPublica Nonprofit Explorer, "Mid Atlantic Equity Consortium Inc.," 2022; ProPublica Nonprofit Explorer, "Fellowship for Race & Equity in Education," 2022; ProPublica Nonprofit Explorer, "Race Forward," 2022; ProPublica Nonprofit Explorer, "ONETILT," 2022; ProPublica Nonprofit Explorer, "Beloved Community," 2022.

As DEI work flooded all sectors of the U.S., inconsistencies, poor implementation, and questions of validity began to surface.

- The research on DEI work in the U.S. is mixed with little conclusive evidence.

- Some studies on DEI have revealed adverse effects, suggesting flaws in the idea that doing anything is better than doing nothing.

- Multiple studies, including one of the largest and most cited studies on DEI work, reveal only marginal positive effects with DEI initiatives.

- The measurements and objectives for DEI work vary based on the context (schools, workplace, government, etc.).

- More research on approaches and implementation is needed to effectively understand how DEI initiatives can achieve their desired outcomes within various organizational settings.

Sources: Devine et al., "Diversity Training Goals, Limitations, and Promise: A Review of the Multidisciplinary Literature," 2022; *Harvard Business Review*, "Why Diversity Programs Fail," 2016; Legault et al., "Ironic Effects of Antiprejudice Messages: How Motivational Interventions Can Reduce (But Also Increase) Prejudice," 2011; Sanchez & Medkik, "The Effects of Diversity Awareness Training on Differential Treatment," 2004; Walton & Cohen, "A Question of Belonging: Race, Social Fit, and Achievement," 2007; Murrar et al., "Exposures to Peers' Pro-Diversity Attitudes Increases Inclusion and Reduces the Achievement Gap," 2020; Chang et al., "The Mixed Effects of Online Diversity Training," 2019; Brannon et al., "From Backlash to Inclusion for All: Instituting Diversity Efforts to Maximize Benefits Across Group Lines," 2018; Vianden, "In All Honesty, You Don't Learn Much," 2018; Kaley et al., "Best Practices or Best Guesses? Assessing the Efficacy of Corporate Affirmative Action and Diversity Policies," 2006; Paluck et al., "Prejudice Reduction: Progress and Challenges," 2021; Dover et al., "Mixed Signals: The Unintended Effects of Diversity Initiatives," 2019.

A toxic blend of political opportunism, ideology, and sloppy implementation of DEI work fueled a conservative backlash.

Conservative Activists Push Back on DEI Initiatives in Public Sector Agencies
May to August 2020

- Uptick in DEI and other social justice-focused initiatives begin to take place in public agencies and other public business industries.

- Chris Rufo, senior fellow at conservative think tank Manhattan Institute, begins attack on DEI and social justice trainings with article titled "Cult Programming in Seattle."

- Rufo follows his initial article with a piece titled "White Fragility Comes to Washington" and begins talking openly and consistently about "critical race theory."

George Floyd: Why are companies speaking up this time?
⏱ 7 June 2020

Cult Programming in Seattle
The city is training white municipal employees to overcome their "internalized racial superiority."
Christopher F. Rufo
July 8, 2020   The Social Order

"White Fragility" Comes to Washington
Profiteering race theorists expand their footprint in the federal bureaucracy.
Christopher F. Rufo
July 18, 2020   The Social Order; Politics and law

 Sources: City Journal, "Cult Programming in Seattle," 2020; BBC News, "George Floyd: Why Are Companies Speaking Up This Time?," 2020; City Journal, "'White Fragility' Comes to Washington," 2020.

Within months, public discourse over DEI initiatives had spread among businesses, government, and public education entities.

Teaching Hate
The Seattle school district claims that the U.S. education system is guilty of "spirit murder" against black children.

Christopher F. Rufo
December 18, 2020   Education; The Social Order

EYE ON THE NEWS
The Pollyanna Principals
How one consultancy capitalized on New York prep schools' mad fad for "anti-racism"

Charles Fain Lehman
March 15, 2021   New York; Education; The Social Order

NJ teacher cleared for slavery lesson that allegedly included cotton picking, whip-cracking noises
BY MORGAN GSTALTER - 02/14/20 12:55 PM ET
SHARE   TWEET

Wokefornia
California's ethnic-studies mandate for K–12ers is dead for now, but cultural Marxism is flourishing.

Larry Sand
October 23, 2020   Education; California

Black Parents Outraged After White Teacher Casts Children As Slaves In Play
The Connecticut teacher is now on administrative leave.

California School Asks Third Graders to 'Deconstruct Their Racial and Sexual Identities'
Posted by Jeff Johnston | Jan 14, 2021 | Sexuality

San Diego school district held 'white privilege' training, told teachers 'you are racist'
By Jackie Salo
December 6, 2020 | 11:31am | Updated

NEW & STORIES
Critical Race Theory has Infiltrated California's Public Schools
California, Critical Race Theory, Education, Racism
GREG BURT · SEPTEMBER 29, 2020

Media headlines throughout 2020 and 2021 showcased poorly designed and implemented efforts at addressing DEI in K-12 schools.

80   *Sources*: City Journal, "Teaching Hate," 2020; City Journal, "The Pollyanna Principals," 2021; City Journal, "Wokefornia," 2020; *New York Post*, "San Diego School District Held 'White Privilege' Training, Told Teachers 'You Are Racist,'" 2020; The Hill, "NJ Teacher Cleared for Slavery Lesson That Allegedly Included Cotton Picking, Whip-Cracking Noises," 2020; California Family Council, "Critical Race Theory Has Infiltrated California's Public Schools," 2020; Daily Citizen, "California School Asks Third Graders to 'Deconstruct Their Racial and Sexual Identities,'" 2021; BET, "Black Parents Outraged After White Teacher Casts Children as Slaves in Play," 2020.

Over time, CRT became a catchall term for all DEI-focused initiatives.

CRT became a catchall phrase in part through intentional efforts of some conservative activists.
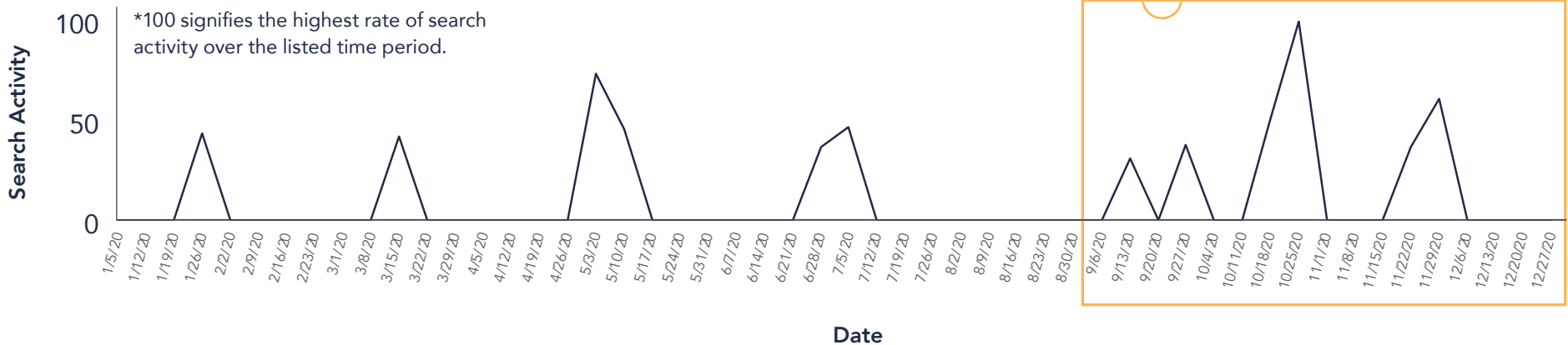

Christopher F. Rufo ⚔️ ☑️
@realchrisrufo

Replying to @realchrisrufo and @ConceptualJames

We have successfully frozen their brand—"critical race theory"—into the public conversation and are steadily driving up negative perceptions. We will eventually turn it toxic, as we put all of the various cultural insanities under that brand category.

12:14 PM · Mar 15, 2021 · Twitter Web App

The goal is to have the public read something crazy in the newspaper and immediately think "critical race theory." We have decodified the term and will recodify it to annex the entire range of cultural constructions that are unpopular with Americans.

12:17 PM · Mar 15, 2021 · Twitter Web App

What is CRT?

CRT is an academic and legal framework developed in the 1980s. Scholars, academics, and activists use it to examine how America's social, political, and legal structures and institutional dynamics are shaped by race and racism.

Polls show that CRT was a relatively unknown term and concept — which made it easy to exploit. A recent University of Southern California study found that Americans still don't have a clear understanding of CRT. The study found that, even for Americans claiming to know what CRT was "a lot" or "enough to explain it to the others," only 58% of the respondents, on average, correctly selected the concepts of CRT.

81   *Sources*: NAACP Legal Defense Fund, "Critical Race Theory: Frequently Asked Questions"; *The New Yorker*, "The Man Behind Critical Race Theory," 2021; University of Southern California, "A House Divided? What Americans Really Think About Controversial Topics in Schools," 2022.

As DEI trainings spread into the public K-12 system, so did the backlash against CRT.

Google Search Activity: "CRT in Schools"
2020

Consistent activity surge starts in September.

*100 signifies the highest rate of search activity over the listed time period.

Search Activity — Date

I'm a Former Teacher. Here's How Your Children Are Getting Indoctrinated by Leftist Ideology.
Aug 17, 2020 2 min read

Loudoun County Public Schools spent $422K on controversial critical race theory curriculum in past two years
Sep 22, 2020

Critical Race Theory in American Classrooms
The radical curriculum may already be at a public school near you.
Max Eden
September 18, 2020   Education; The Social Order

Stop Trying to Indoctrinate Our Kids
BY ERIKA SANZI   SEPTEMBER 15, 2020

Schools Embrace 'Critical Race Theory' – Another Reason Parents Should Download Our Free Resource
Posted by Jeff Johnst

Creeping critical race theory in Manhattan's private schools
'At the two private schools my sons attend in New York City, a new kind of "education" is now in full force'
October 2, 2020 | 5:59 pm

Indoctrinating an Entire School System in PC Racism
Christopher F. Rufo
New York Post, December 18, 2020
Education: Pre K-12; Race: Other

Critical Race Theory Explodes in K-12
September 9, 2020

Sources: The Heritage Foundation, "I'm a Former Teacher. Here's How Your Children Are Getting Indoctrinated by Leftist Ideology," 2020; The Manhattan Institute, "Indoctrinating an Entire School System in PC Racism," 2020; City Journal, "Critical Race Theory in American Classrooms," 2020; West Nova News, "Loudoun County Public Schools Spent $422K on Controversial Critical Race Theory Curriculum in Past Two Years," 2020; Child Protection League, "Critical Race Theory Explodes in K-12," 2020; Project Forever Free, "Stop Trying to Indoctrinate Our Kids," 2020; Spectator World, "Creeping Critical Race Theory in Manhattan's Private Schools," 2020; Daily Citizen, "Schools Embrace Critical Race Theory — Another Reason Parents Should Download Our Free Resource," 2020.

Yet, while CRT dominated headlines and political positioning, most American adults and parents remained unfamiliar with it.

How much have you heard about critical race theory?
CBS News Poll of U.S. Adults, Feb. 15-18, 2022

- 🟧 A lot
- ⬜ A little
- ⬛ Nothing at all

24%
41%
35%
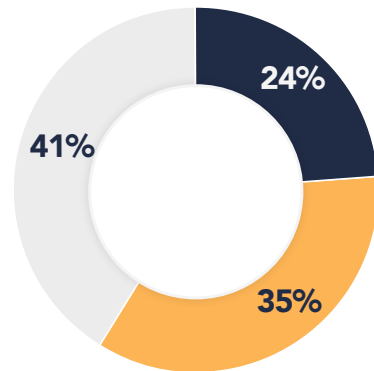
Do you believe critical race theory is currently being taught to your child in school?
The Economist/YouGov Poll of Parents of School-Aged Children, May 15-17, 2022

- 🟧 Yes
- ⬜ No
- ⬛ Not sure

22%
47%
31%
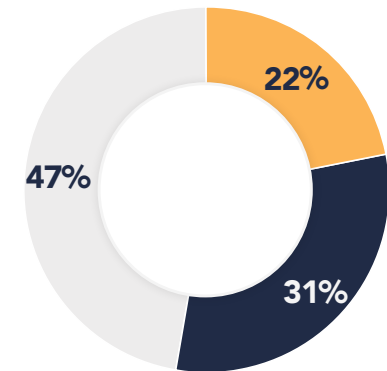
How familiar are you with critical race theory (CRT)?
Nov. 3 to Dec. 2, 2021; U.S. Adults

Respondent Subgroup	Not at all/Not very familiar
Overall	70%
Dem/Lean Dem	70%
Independent	80%
Rep/Lean Rep	64%
White	70%
Black	67%
Hispanic	73%
Asian	77%
Women	76%
Men	64%

Percent of Responses
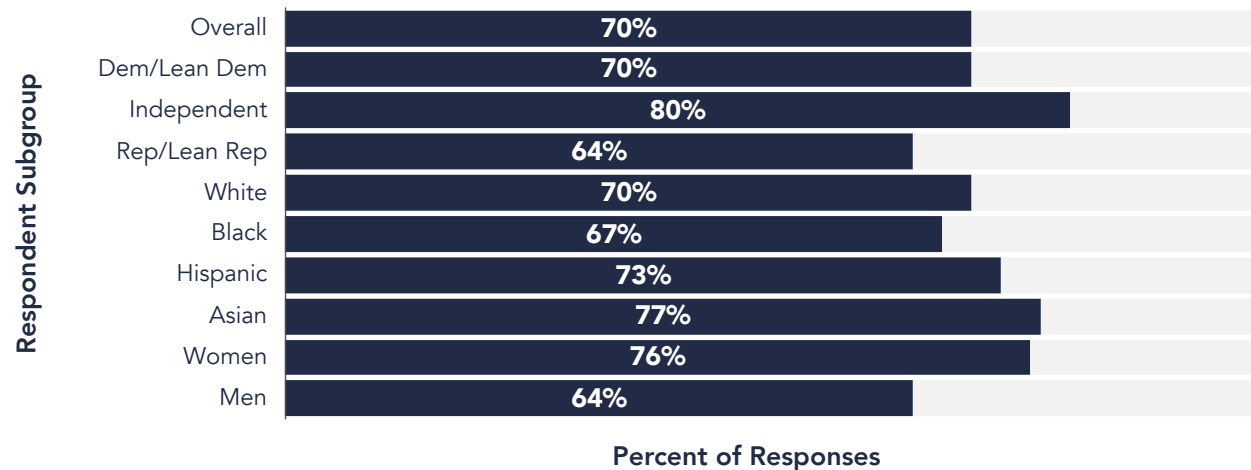
- ⬛ Not at all/Not very familiar
- ⬜ Extremely/Very familiar

At the height of CRT political tensions, even the majority of blue/Democratic America knew very little about it.

Sources: CBS News Poll, 2022; The Economist/YouGov, 2022; The Covid States Project, 2022

Bellwether.org

Removing CRT from poll questions shows how politicized the term has become.

Percent of respondents responding 'approve' to the question: *Do you approve or disapprove of public schools teaching about the history of <u>racism</u>?*
Nov. 4-8, 2021

Political Affiliation

Independents	75%
Republicans	54%
Democrats	94%
All	**75%**

Percent Approving
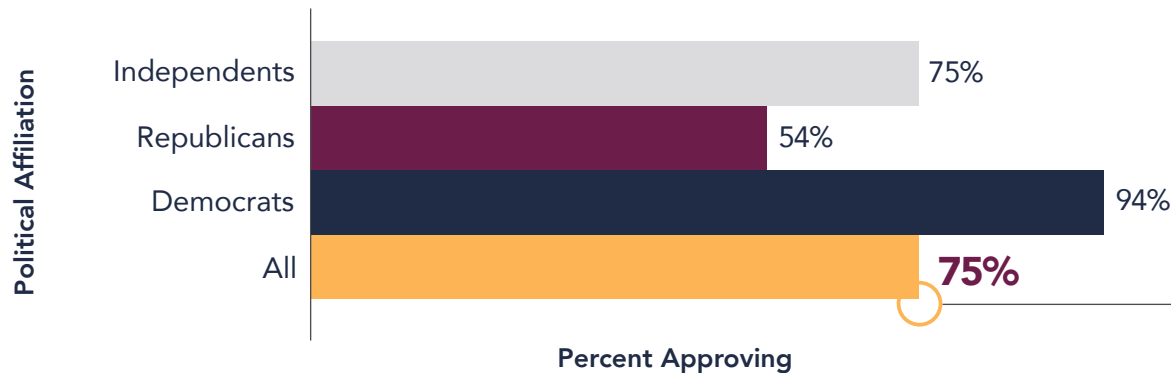
Zooming in on responses from these two similar questions show a polarizing reaction for when "CRT" is used instead of "racism" in the question.

Percent of respondents responding 'approve' to the question: *Do you approve or disapprove of public schools teaching about <u>critical race theory</u>?*
Nov. 4-8, 2021

Political Affiliation

Independents	40%
Republicans	16%
Democrats	75%
All	**43%**

Percent Approving

Source: Monmouth University, "Biden's Plans More Popular than President," 2021.
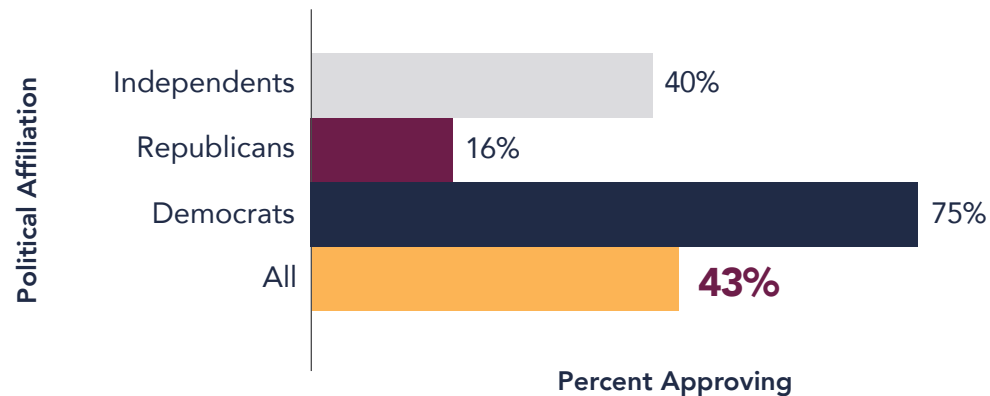
In September 2020, President Trump signed an EO prohibiting federal DEI trainings.

Summary of Trump's EO

Intent of the EO	Eliminate DEI trainings that were taking place in federal government institutions (e.g., branches of the military, federal agencies).
Policy Summary	Trump's EO listed a series of "divisive concepts" that were not to be discussed in formal trainings for federal government employees.
The Prohibited "Divisive Concepts"	1. One race or sex is inherently superior to another race or sex 2. The U.S. is fundamentally racist or sexist 3. An individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously 4. An individual should be discriminated against or receive adverse treatment solely or partly because of their race or sex 5. Members of one race or sex cannot and should not attempt to treat others without respect to race or sex 6. An individual's moral character is necessarily determined by his or her race or sex 7. An individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex 8. Any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex 9. Meritocracy or traits such as hard work ethic are racist or sexist, or were created by a particular race to oppress another race

Note that Trump's EO did not explicitly mention CRT.

Source: National Archives Federal Register, "Combating Race and Sex Stereotyping Executive Order 13950," 2020   Bellwether.org

Within months, 18 states passed policies prohibiting K-12 systems from discussing concepts outlined in Trump's EO.

States Passing Laws Aligned to Trump's EO
As of Sept. 1, 2022

■ States with policies aligned to Trump's EO

✦ Red states with policies aligned to Trump EO

Of the 18 states passing laws aligned to Trump's EO, 12 states are Red, and none are Blue.

Note I: See Appendix <u>slide 107</u> for a description of how we identified red and blue states. See Appendix <u>slide 112</u> for an overview of each state's policy.
Note II: AR's policy prohibits the state department of education but excludes "public schools." ***Source***: <u>PEN America: Educational Gag Orders</u>, 2021.

The policy adoptions from the 18 states were big conservative wins, but vague language makes them difficult to enforce.

What, exactly, these policies prohibit is vague and unclear. For example:

- **Florida HB7/SB 148**: Prohibits teaching on concepts or professional development that "espouses, promotes, advances, inculcates, or compels" belief in certain ideas about race, sex, color, or national origin.

- **Texas HB 3979**: Declares that a teacher "may not be compelled to discuss a particular current event or widely debated and currently controversial issue of public policy or social affair."

- **Virginia EO 1**: Prohibits the use of "inherently divisive concepts, including CRT …"

Just four state policies outline any specific consequences for violations, including:

- **Arizona HB 2898**: "The court may impose a civil penalty not to exceed $5,000 per school district …"

- **New Hampshire HB 2**: "Violation of this section by an educator shall be considered a violation of the educator code of conduct that justifies disciplinary sanction by the state board of education."

- **Tennessee SB 623**: "If the commissioner of education finds that an LEA or public charter school knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner …"

- **Georgia HB 1084**: "The commission is authorized to provide for denying a certificate to an applicate, suspending or revoking a certificate, or otherwise disciplining the holder of a certificate …"

Note: See Appendix slide 111 for examples of policy language. *Sources*: Florida HB 7, 2022; Texas HB 3979, 2021; Virginia EO 1, 2022; Arizona HB 2898, 2021; New Hampshire HB 2, 2021; Tennessee SB 623, 2021.

Despite being vague and difficult to enforce, these policies are altering how school systems discuss history, race, and racism.

"A lot of the trainings for U.S. history teachers in my district devolved into fears about, 'Will I lose my job if I teach Jim Crow? Will I lose my job if I teach some of the basics of American history?'"
—HIGH SCHOOL HISTORY TEACHER FROM TENNESSEE

"We asked for clarification from the state, from the union, from school lawyers. The universal response is no one's really sure." ... *"It led us to be exceptionally cautious because we don't want to risk our livelihoods when we're not sure what the rules are."*
—HIGH SCHOOL HISTORY TEACHER FROM NEW HAMPSHIRE

Teachers Say Laws Banning Critical Race Theory Are Putting A Chill On Their Lessons

HISTORY • EDUCATION

Anti-'Critical Race Theory' Laws Are Working. Teachers Are Thinking Twice About How They Talk About Race

New critical race theory laws have teachers scared, confused and self-censoring

Texas teachers say GOP's new social studies law will hinder how an entire generation understands race, history and current events

"What if they say the wrong thing?" ... *"What if somebody in their class during the critical thinking brings up the word oppression or systemic racism? Are they [educators] in danger? Is their job in danger?"*
—HIGH SCHOOL TEACHER FROM OKLAHOMA

"This bill is going to prevent us from changing the trajectories of the most disenfranchised, marginalized and impoverished students — those who already do not have a voice ..."
—MIDDLE SCHOOL SOCIAL STUDIES TEACHER FROM TEXAS

Note: See Appendix slide 113 for examples of policy language. ***Sources***: *Time*, "Anti-'Critical Race Theory' Laws Are Working," 2022; *Washington Post*, "New Critical Race Theory Laws Have Teachers Scared, Confused and Self-Censoring," 2022; NPR, "Teachers Say Laws Banning Critical Race Theory Are Putting a Chill on Their Lessons," 2021; *Texas Tribune*, "Texas Teachers Say GOP's New Social Studies Law Will Hinder How an Entire Generation Understands Race, History and Current Events," 2021.

Across political and racial/ethnic categories, Americans disagree about how schools should teach about racism.

How much should public schools teach about racial inequality?
December 2021

Legend: ■ None ■ A little ▫ Some ▫ A lot

Respondent Subgroup (Distribution of Responses)

- Republicans: 52%
- White: 30%
- All respondents: 25%
- Independents: 23%
- Latino: 20%
- Asian: 9%
- Black
- Democrats

Distribution of Responses

Over the last 50 years, _ progress [in ensuring equal rights] has been made.
August 2021

Legend: ■ A lot ▫ A little ▫ None at all

Respondent Subgroup (Distribution of Responses)

- Republicans: 71%
- White: 56%
- All respondents: 48%
- Asian: 44%
- Hispanic: 38%
- Democrats: 29%
- Liberal: 25%
- Black: 19%

Distribution of Responses

> Higher proportions of Republicans and white Americans think the U.S. has made a lot of progress over the past 50 years, and that schools should teach nothing or only a little about racial inequality.

> In contrast, Democrats, liberals, and people of color tend to think much less progress has been made in the U.S. and that schools should be teaching more about racial inequality.

But people perceive there to be more of a chasm than there actually is.

Republicans' Estimates of Democrats' Views · **Independents' Estimates of Democrats' Views** · **Democrats' Actual Views**

% Agree

Statement	Republicans' Estimates	Independents' Estimates	Democrats' Actual
All students should learn about how the Declaration of Independence and the Constitution advanced freedom and equality	45	51	92
George Washington and Abraham Lincoln should be admired for their roles in American history	42	47	87
In learning about past injustices in American history and their impact on the present day, students should not be made to feel disempowered or helpless	46	50	87
Throughout our history, Americans have made incredible achievements and ugly errors	55	55	95
The Constitution should be preserved and respected	40	47	80
In learning about American history, students should not be made to feel personally responsible for the actions of earlier generations	43	44	83
Teachers should not be allowed to let their political beliefs shape how they teach American history	43	46	83
We don't need to be ashamed to be American	42	52	71

Democrats' Estimates of Republicans' Views · **Independents' Estimates of Republicans' Views** · **Republicans' Actual Views**

% Agree

Statement	Democrats' Estimates	Independents' Estimates	Republicans' Actual
Americans have a responsibility to learn from our past and fix our mistakes	35	53	93
Martin Luther King and Rosa Parks should be taught as examples of Americans who fought for equality	38	54	93
It's important that every American student learn about slavery, Jim Crow, and segregation	32	47	83
Throughout our history, Americans have made incredible achievements and ugly errors	41	53	91
America is better today because women, immigrants, and Black Americans have made progress towards equality	31	44	77
Schools should teach both our shared national history and the history of specific groups such as Black, Hispanic and Native Americans	30	46	72
America has made significant progress in reducing prejudice in recent decades	48	50	83
Minorities still experience prejudice in America today	30	41	52

Bellwether.org

The biggest gaps in ideologies occur between political identities rather than across racial/ethnic lines.

Percent of Respondents Who Agree

"The U.S. needs to more publicly acknowledge the wrongs of earlier generations to be accountable for the harm caused."

Progressive Activists

Asian • Black
Hispanic

White

Devoted Conservatives

% Agree (y-axis)
% Agree (x-axis)

"Lingering too much on past atrocities prevents us from moving forward."

Percent of Respondents Who Agree

High school students should be learning about topics related to gender identity.

Democrat/Lean D
Black
Asian
Hispanic
Other
White

Republican/Lean R

% Agree (y-axis)
% Agree (x-axis)

Racism is central to U.S. life.

Sources: More in Common, "Defusing the History Wars: Finding Common Ground in Teaching America's National Story," 2022. University of Southern California, "A House Divided? What Americans Really Think About Controversial Topics in Schools," 2022

Bellwether.org

Meanwhile, the public remains more concerned with issues like funding than with how schools teach about race and racism.

What's the biggest problem facing public schools in your area today?
Nov. 4-8, 2021

- ■ Low pay for teachers
- ■ The way they teach about race and racism
- ■ Lack of funding for education
- ■ School safety
- ■ Teachers unions
- ■ Students struggling with poverty
- ■ COVID-19 policies
- ■ Mask mandates
- ■ Not sure

14%
9%
22%
4%
10%
9%
10%
16%
16%

Only 9% of respondents said the way schools teach about race and racism is the biggest issue facing their local public schools.
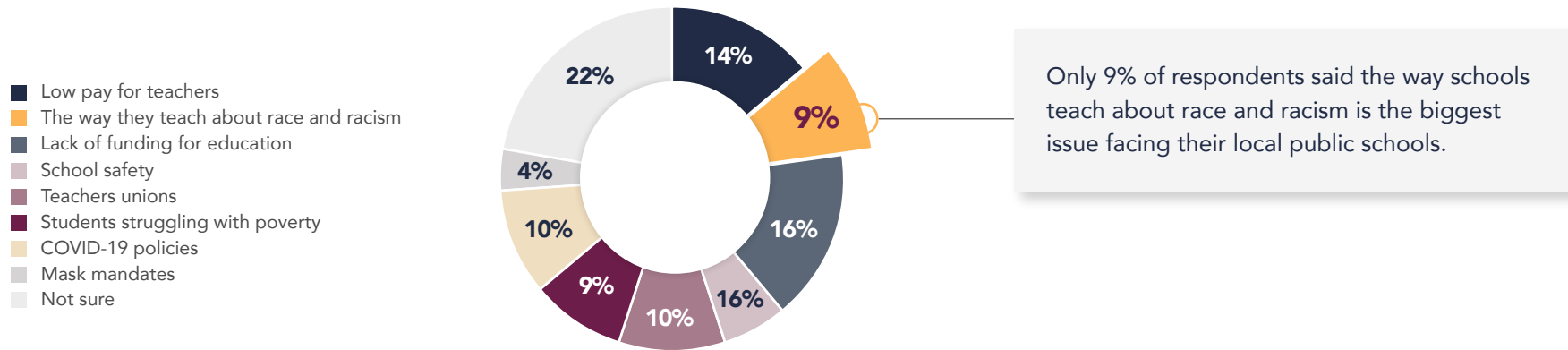
Percent of Respondents Agreeing With Statements About How Schools Teach About Race and Racism
Nov. 4-8, 2021

78%
YES

Should students be taught in school about America's history of **slavery**?
(*Yes, No, Not Sure*)

71%
YES

Should students be taught in school about America's history of **racism**?
(*Yes, No, Not Sure*)

54%
AGREE

Do you **agree** or **disagree** with this idea: *Racism is not merely the product of individual bias or prejudice, but also something embedded in legal systems and policies.* (*Agree, Disagree, Not Sure*)

Source: YouGov, "Yahoo! News Survey," 2021

Contents

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LGBT Rights

In the half-century since the Stonewall riots and the birth of the modern gay rights movement, substantial progress has been made toward equal and equitable rights for LGBT Americans, including employment and other civil rights protections, marriage rights, and a culture of openness that would be unrecognizable to Americans of the pre-Stonewall era. However, these issues remain more contentious insofar as young people and schools are concerned.

- Broadly, Americans have become **more accepting** and supportive of LGBT Americans.

- The same macro-level societal progress and sentiment toward LGBT Americans has **not carried over into the K-12 education policy landscape on some key issues**.

- There are primarily **five LGBT-focused topics and/or policies causing tensions between some Americans and the K-12 education system**: what to teach, parental rights about curriculum and school policy, bathroom and locker room access, athletic participation, and name/pronoun usage.

- Overall, **America is split on how the K-12 education system should address LGBT issues and topics**. These splits show up on certain issues as well as about what age it's appropriate to introduce formal curriculum about issues such as sexuality or gender.

- LGBT students can experience **higher rates of various types of mental illness**, including depression, anxiety, and suicidal ideation and suicide. **The current political climate bears watching for its impact on these students**.

Poll data suggests Americans are, on average, becoming more accepting of LGBT Americans.

What is your impression of how most Americans feel about gay or lesbian relations — do most Americans think they are acceptable or not acceptable?
2001-2019

Acceptable — Not acceptable

Y-axis: Percent Change in Responses
X-axis: Year

74% ... 41%
21% ... 55%
2001 ... 2019
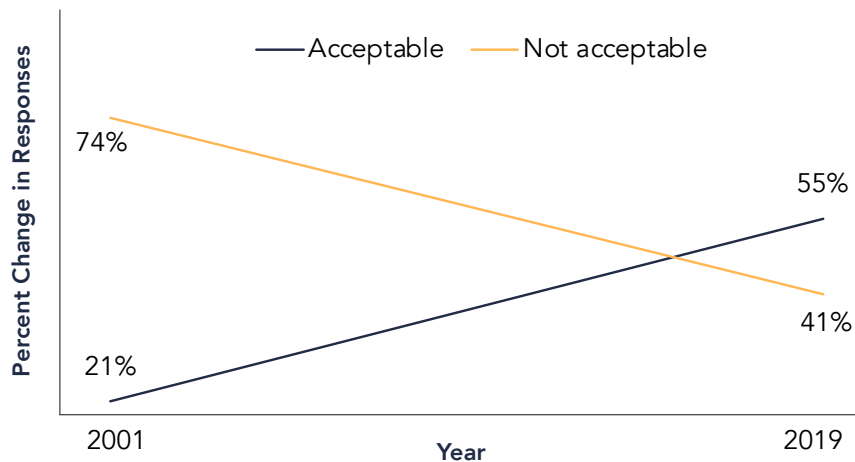
Regardless of whether or not you think [marriages between same-sex couples] should be legal … please tell me whether you personally believe that in general it is morally acceptable or morally wrong. How about gay or lesbian relations?
2001-2021

— Morally acceptable — Morally wrong

Y-axis: Percent Change in Responses
X-axis: Year

Morally acceptable: 40%, 38%, 44%, 42%, 45%, 44%, 47%, 48%, 48%, 49%, 52%, 56%, 54%, 59%, 58%, 63%, 60%, 63%, 67%, 63%, 66%, 69%
Morally wrong: 53%, 55%, 52%, 54%, 51%, 51%, 49%, 48%, 47%, 43%, 39%, 42%, 38%, 38%, 34%, 37%, 33%, 30%, 35%, 32%, 30%
2001 ... 2021
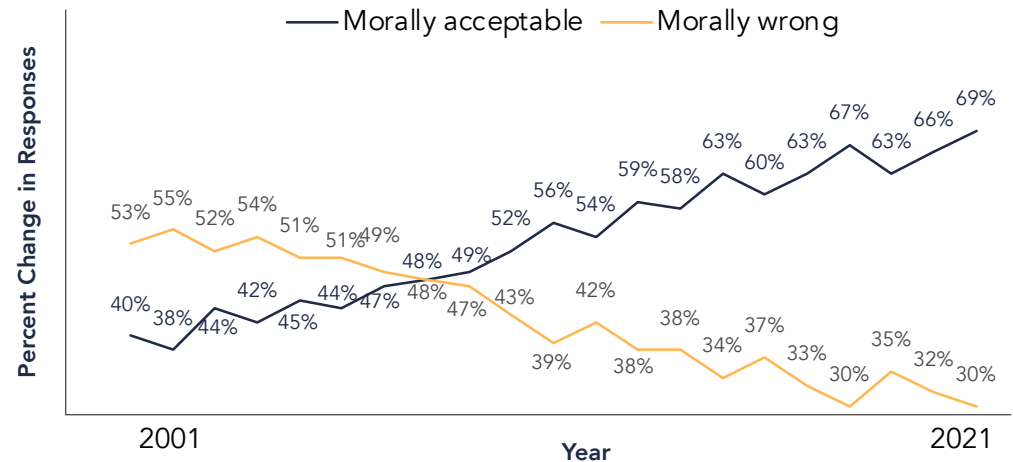
Do you think marriages between same-sex couples should or should not be recognized by the law as valid, with the same rights as traditional marriages?
1996-2022

— % should be valid — % should not be valid

Y-axis: Percent Change in Responses
X-axis: Year

% should be valid: 27%, 35%, 42%, 37%, 42%, 46%, 40%, 40%, 44%, 53%, 50%, 53%, 55%, 60%, 61%, 64%, 67%, 63%, 67%, 70%, 71%
% should not be valid: 68%, 62%, 55%, 59%, 56%, 53%, 56%, 57%, 53%, 45%, 48%, 45%, 42%, 37%, 37%, 34%, 31%, 36%, 31%, 29%, 28%
1996 ... 2022

Sources: Gallup, "LGBT Rights," 2022; Gallup, "Moral Issues," 2022.
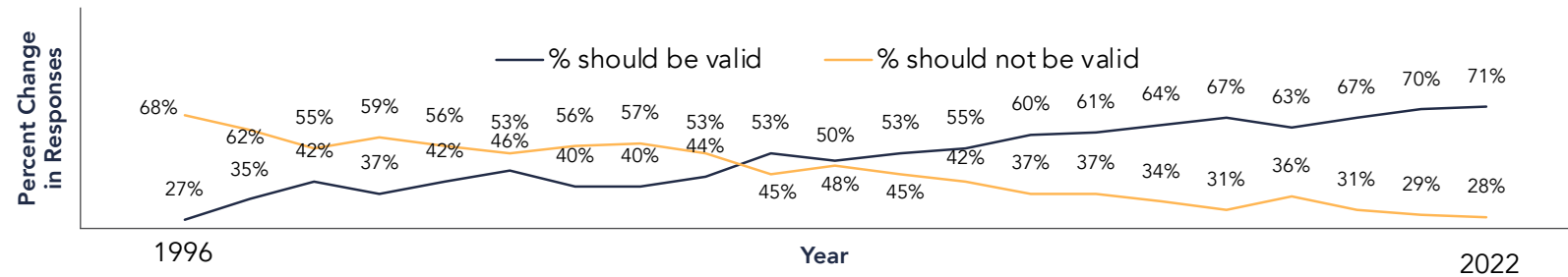
However, Americans are split on how public K-12 schools should address LGBT issues.

Topic/Policy	Summary	States	Percentage of Americans That …
Curriculum Restrictions	Policies that prohibit the teaching and/or discussing of certain topics including sexual orientation and gender identity — the majority of disagreement is around age/grade when concepts should be introduced.	**AL**, **FL**, LA, **MS**, **OK**, **TX**	73% of Americans believe elementary students shouldn't be taught topics on sexual orientation.
Parental Rights	Policies that allow parents to opt their children out of courses, lessons, and discussions that go against their beliefs or values.	**AR**, AZ, **FL**, MT, **TN**, VA*	64% of Americans agree that parents should be able to opt children out of lessons with content they disagree with.
Facility Access	Policies that prohibit transgender students from accessing certain shared private spaces that are consistent with their gender identity (e.g., bathrooms and locker rooms).	**AL**, **OK**, **TN**, VA*	36% of Americans support allowing transgender people to use the bathrooms and locker rooms that match their gender identity.
Athletics	Policies that prohibit transgender students from participating in sports (or on teams) that are consistent with their gender identity.	**AL**, **AR**, AZ, **FL**, IA, **ID**, **IN**, KY, LA, **MS**, MT, **OK**, **SC**, SD, **TN**, **TX**, UT, VA*, WV	63% of Americans oppose allowing transgender female student athletes to compete on women's and girls' sports teams.
Names and Pronouns	Currently, there are no active policies that mandate school systems to respond or approach the topic of transgender students requesting to go by preferred names and/or pronouns. However, there are already legal cases in six states on this exact issue.	**FL**, KS, MA, MD, VA*, WI	51% of Americans support requiring K-12 schools to inform parents if their child requests to go by different pronouns while at school.

Key for States: **Red states**, **Blue states**, Neither

Note I: VA policies currently pending. *Note II*: There are no blue states that have these policies. *Note III*: Red and Blue states are based on the definition in Appendix slide 107. *Sources*: University of Southern California, "A House Divided? What Americans Really Think About Controversial Topics in Schools," 2022; YouGov, "Daily Survey: Transgender Issues," 2022; NPR/IPSOS, "Social Issues in America Poll," 2022.

Six states have policies restricting curricula on certain topics; public concern largely centers on the appropriate age/grade.

Details

Curriculum restriction policies are currently surfacing at the state level in statute, state health codes, and education curriculum mandates. Regardless of where the policies live, they prohibit discussion and educational content on topics like sexual orientation for certain ages and/or "developmental appropriateness."

Discussion

While there's not bipartisan alignment on this issue, most of the tension comes with content at the elementary grades — where even nearly half of the Democratic population also believe that LGBT content and topics shouldn't be taught within elementary classrooms.

States with LGBT Curriculum Restriction Policies

- ■ State with policy
- ✦ Red state with policy
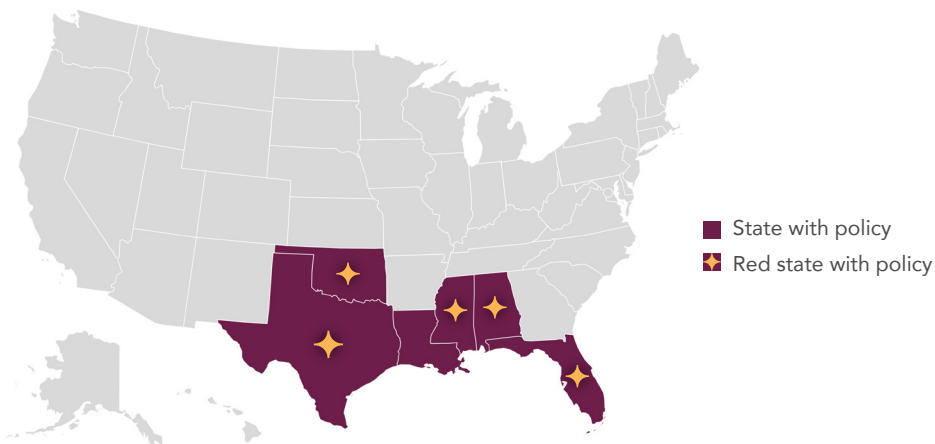
Should students in elementary/high schools today learn about the following topics?
Aug. 15-Sept. 12, 2022

Legend: ■ Elementary ■ High School

Sexual Orientation
- Democrats: Elementary 46%, High School 86%
- Republicans: Elementary 8%, High School 37%
- Neither: Elementary 23%, High School 64%

Gender Identity
- Democrats: Elementary 49%, High School 84%
- Republicans: Elementary 8%, High School 32%
- Neither: Elementary 25%, High School 59%

Y-axis: Percent Responding "Yes"
X-axis: Political Party
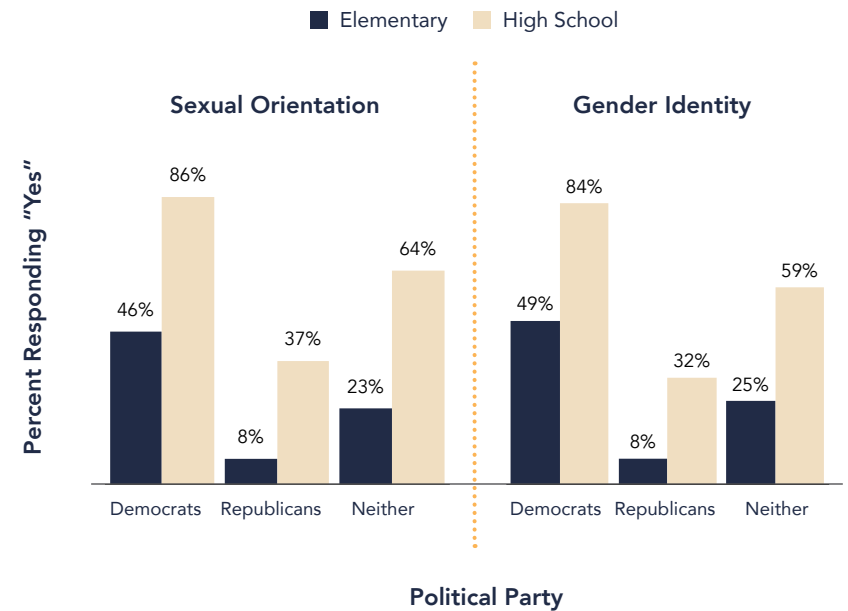
Florida HB 1557: *Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 3, or in a manner that isn't age-appropriate or developmentally appropriate for students in accordance with state standards.*

Note: Red and Blue states are based on the definition in Appendix slide 107. *Sources*: University of Southern California, "A House Divided? What Americans Really Think About Controversial Topics in Schools," 2022; Florida HB 1557, 2022.

Polling on Maryland's policy demonstrates the issue of "age-appropriateness" for discussing LGBT issues.

Do you think it is appropriate or inappropriate for Maryland public school teachers to discuss acceptance of LGBTQ people with students in...
Sept. 22-27, 2022

Legend: ■ Appropriate ■ No opinion ■ Inappropriate

Grade Level

Grades K-3: Appropriate 30%, No opinion 4%, Inappropriate 66%
Grades 4-5: Appropriate 40%, No opinion 4%, Inappropriate 56%
Grades 6-8: Appropriate 54%, No opinion 4%, Inappropriate 42%
Grades 9-12: Appropriate 69%, No opinion 3%, Inappropriate 27%

Distribution of Responses

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CURRICULUM RESTRICTIONS
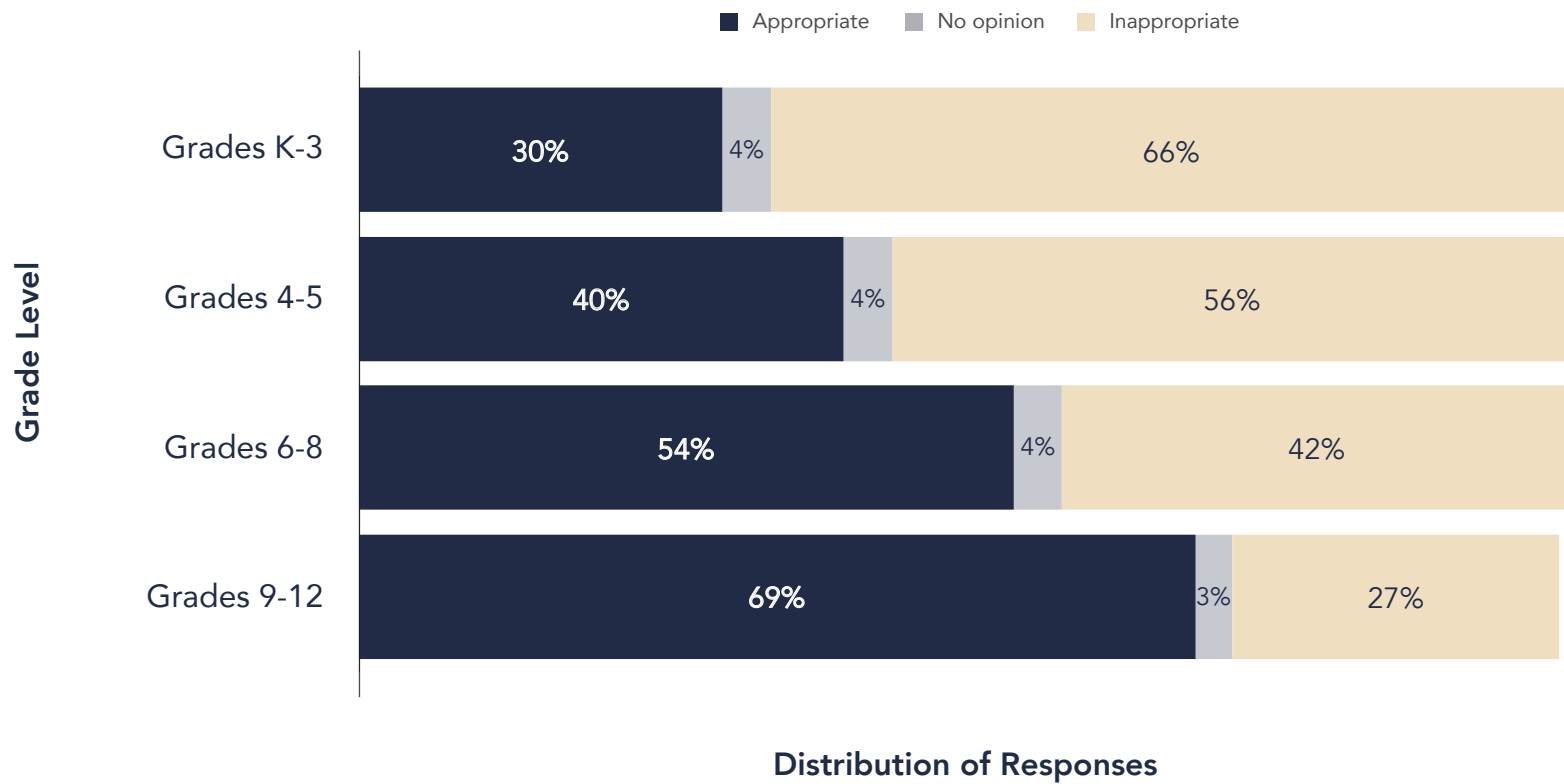
Five states allow parents to opt children out of lessons on LGBT issues, which is an old approach used on a new topic.

Details

Policies with parental consent language are sometimes stand-alone policies or can also be found built into other policies, primarily curriculum restriction policies. Generally, these policies require parental notification of LGBT-inclusive curricula and allow parents to opt their children out of any course or lesson without impacting attendance, participation, grades, or GPA.

Discussion

According to the Movement Advancement Project, an LGBT advocacy group, current parental consent or "opt-out" policies are an updated version of older K-12 policies that required parental consent for sex ed participation. These newer policies extend the parental consent rights to any content that discusses LGBT issues, no matter the course or content.

States with Parental Rights Policies

■ State with policy
✦ Red state with policy
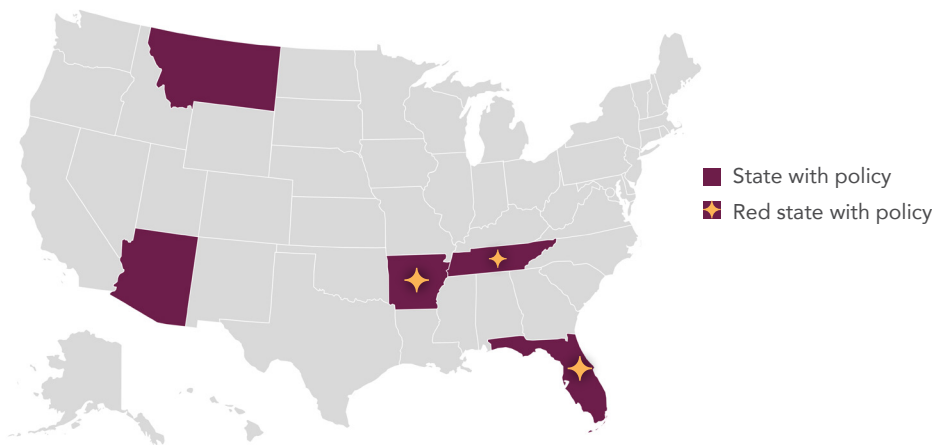
To what extent do you agree: *Parents should be able to opt children out of lessons that include content they disagree with.*
Aug. 15-Sept. 12, 2022

■ Strongly agree ■ Agree ■ Disagree ■ Strongly disagree

Political Party	Strongly agree	Agree	Disagree	Strongly disagree
Democrat	11%	35%	38%	16%
Republican	43%	38%	13%	6%
Neither	26%	44%	22%	8%
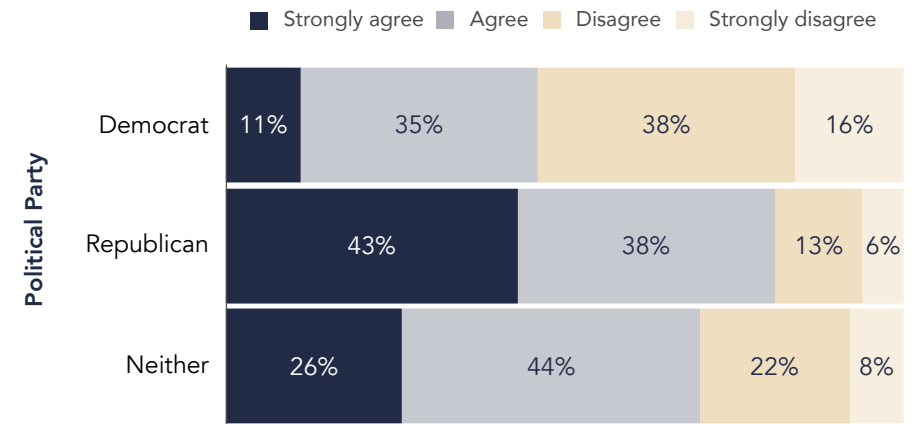
Distribution of Responses

Arizona HB 2035: *The governing board, in consultation with parents, teachers and administrators, shall develop and adopt a policy to promote the involvement of parents and guardians of children enrolled in the schools within the school district, including: Procedures by which parents who object to any learning material or activity on the basis that the material or activity is harmful may withdraw their children from the activity or from the class or program in which the material is used. Objection to a learning material or activity on the basis that the material or activity is harmful includes objection to the material or activity because it questions beliefs or practices in sex, morality, or religion.*

Note I: Percentages may not sum to 100 due to rounding. *Note II*: Red and Blue states are based on the definition in Appendix underline slide 107.
Sources: University of Southern California, "A House Divided? What Americans Really Think About Controversial Topics in Schools," 2022; Movement Advancement Project, "Bans on Transgender Youth Participation in Sports," 2022; Arizona HB 2035, 2021.

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PARENTAL RIGHTS

Three states prohibit transgender students from using school facilities consistent with their gender identity.

Details

Facility access policies prohibit transgender students from using bathrooms and locker rooms that correspond with their gender identity. Similar to athletic policies for transgender students, facility access policies use the sex listed on a birth certificate as the defining factor of access.

Discussion

In *Grimm v. Gloucester County School Board*, the 4th Circuit Court of Appeals ruled it unconstitutional to ban a transgender student from accessing restrooms consistent with their gender identity. However, because the Court declined to hear the case, many states in other parts of the country still have the legal ability to adopt these bans.

States with Facility Access Policies Regarding Transgender Youth
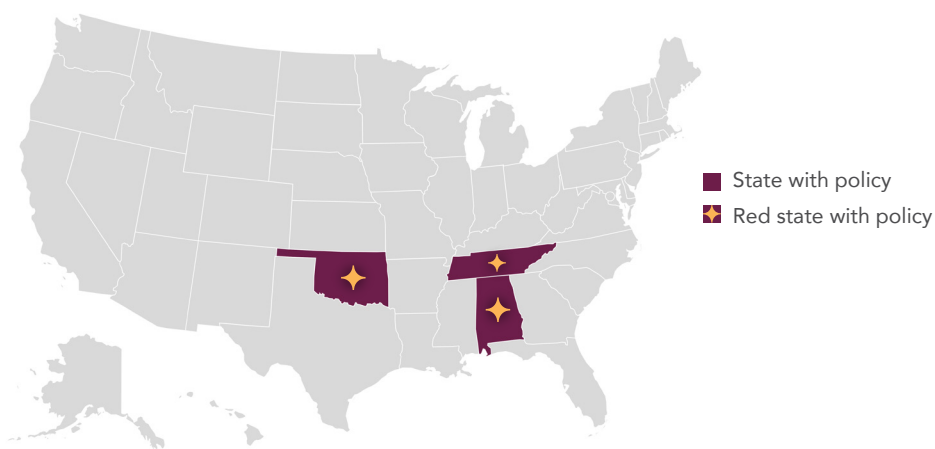
- ■ State with policy
- ✦ Red state with policy

Do you support or oppose the following: *Allowing transgender people to use the bathrooms and locker rooms that match their gender identity, rather than the gender they were assigned at birth.*
March 11-15, 2022

Legend: ■ Oppose ■ Not sure ■ Support

Y-axis: Distribution of Responses
X-axis: Political Party

	Republican	Democrat	Independent
Oppose	69%	24%	42%
Not sure	11%	17%	28%
Support	20%	59%	29%
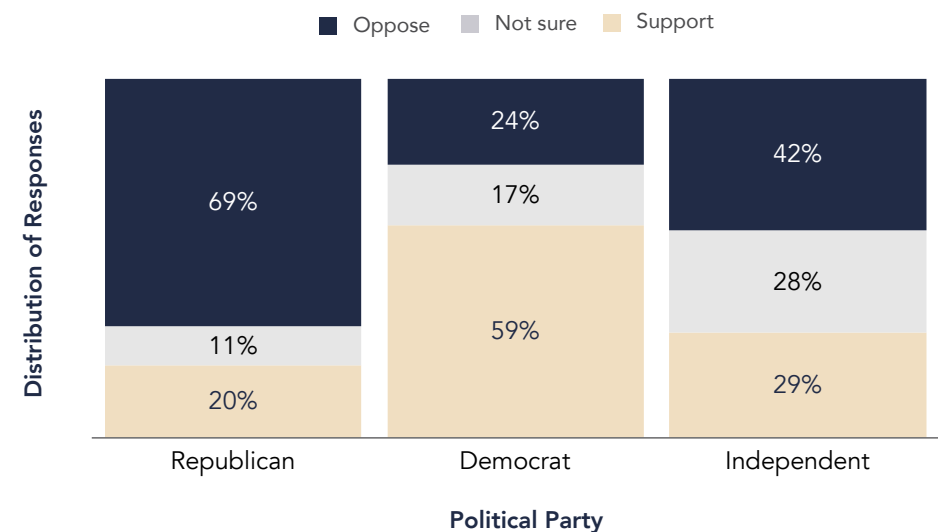
Alabama HB 322: *An area in a public K-12 school building designed or designated to be used by more than one individual student at a time, where students may be in various stages of undress in the presence of other students or individuals. The term may include, but is not limited to, a school restroom, locker room, changing room, or shower room.*

A public K-12 school shall require every multiple occupancy restroom or changing area designated for student use to be used by individuals based on their biological sex.

Note I: Percentages may not sum to 100 due to rounding. *Note II*: Red and Blue states are based on the definition in Appendix slide 107. *Sources*: YouGov, "Daily Survey: Transgender Issues," 2022; Alabama HB 322, 2022; LexisNexis, "Grimm v. Gloucester Cty. Sch. Bd. - 972 F.3d 586," 2020.

Eighteen states prohibit transgender students from participating in sports consistent with their gender identity.

Details

Athletic restriction policies prohibit transgender students from participating in sports that are consistent with their gender identity. For example, a transgender girl wouldn't be allowed to participate in sports with other girls.

Discussion

There is not strong support for transgender student participation in sports that are aligned with their gender. Most of the tension stems from cases concerning transgender women/girls who may have competitive biological advantages over cisgender women/girls; research on the subject is ongoing and uncertain. Transgender high school athlete legal cases are actively showing up in multiple states, including Idaho, Indiana, Montana, Utah, and West Virginia.

States with Athletic Policies Regarding Transgender Youth
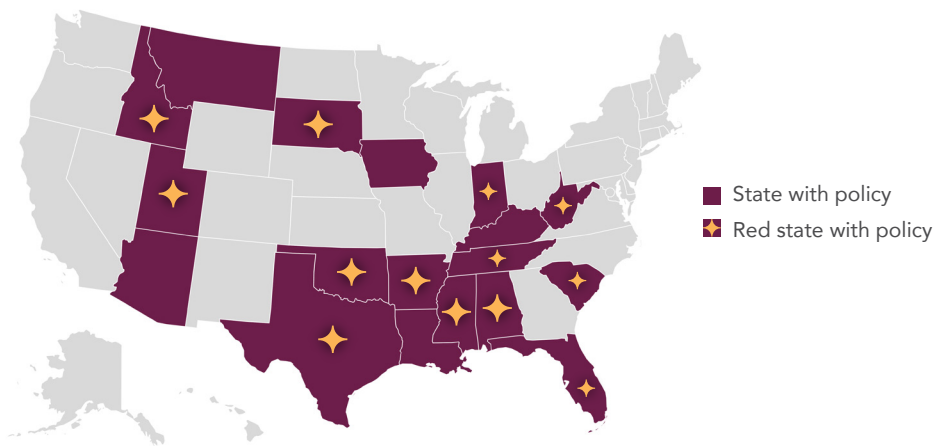
■ State with policy
✦ Red state with policy

Do you support or oppose the following: *Allowing transgender female student athletes to compete on women's and girls' sports teams.*
Aug. 15-Sept. 12, 2022

■ Oppose   ■ Not familiar with this   ■ Support

Republican: Oppose 89%, Not familiar 7%, Support 4%
Democrat: Oppose 41%, Not familiar 12%, Support 46%
Independent/Other: Oppose 64%, Not familiar 15%, Support 21%

Distribution of Responses / Political Party
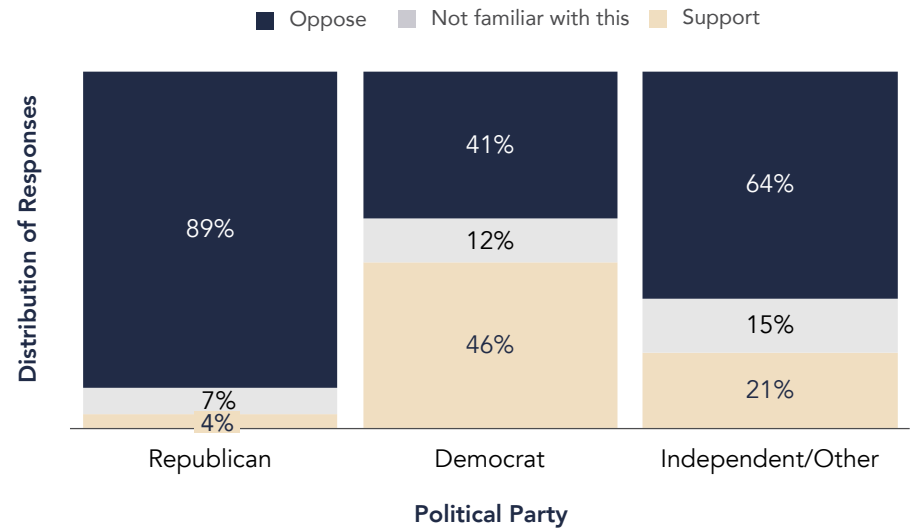
Oklahoma SB 2: *Prior to the beginning of each school year, the parent or legal guardian of a student who competes on a school athletic team shall sign an affidavit acknowledging the biological sex of the student at birth. If the student is 18 years of age or older, the student who competes on a school athletic team shall sign an affidavit acknowledging his or her biological sex at birth. If there is any change in the status of the biological sex of the student, the affiant shall notify the school within 30 days of such change.*

Athletic teams designated for 'females,' 'women,' or 'girls' shall not be open to students of the male sex.

Note I: Percentages may not sum to 100 due to rounding. **Note II**: Red and Blue states are based on the definition in Appendix underline slide 107. **Sources**: NPR/Ipsos, "Social Issues in America Poll," 2022; Movement Advancement Project, "Bans on Transgender Youth Participation in Sports," 2022; OK SB 2, 2022.

Legal cases on the use and/or change of names and pronouns are surfacing across the U.S.

Details

As of October 2022, no states in the U.S. have policies that direct school systems either way regarding the informing of parents when or if a student is transitioning genders via a name and/or pronoun change at school. To date, school systems are addressing this issue at the district level, which has resulted in lawsuits from parents believing they should be informed and/or give consent.

Discussion

Name and pronoun changes in the K-12 system are a fairly new tension that's beginning to surface across the U.S. Broadly, most Americans feel that parents should be informed on these sorts of actions, while school systems are caught in the middle having to determine the legality, mental health, and physical well-being of the students in these complex situations.

States With Active Lawsuits Regarding Parental Access to Information and/or Consent on Gender Transition Actions

October 2022

State with lawsuit
Red state with lawsuit
Blue state with lawsuit
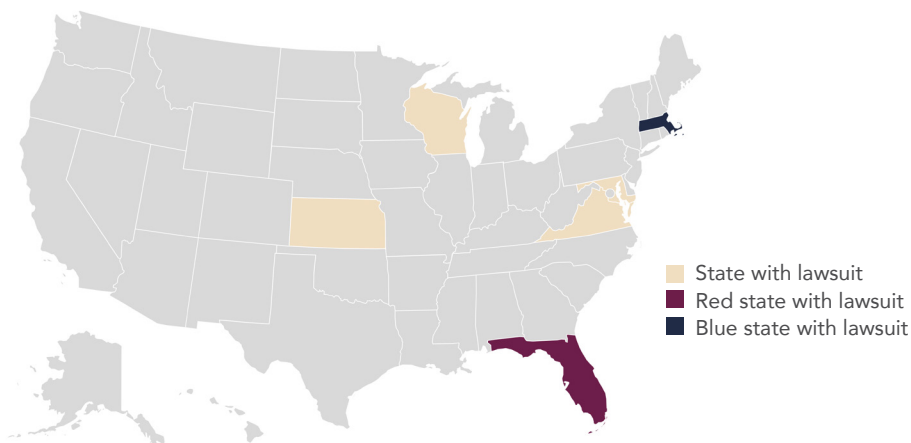
Do you support or oppose the following: *Requiring K-12 schools to inform parents if their child requests to go by different pronouns while at school.*
March 11-15, 2022

■ Support　　□ Not sure　　□ Oppose

Political Party	Support	Not sure	Oppose
Democrat	46%	24%	31%
Republican	63%	15%	22%
Independent	50%	30%	19%

Distribution of Responses
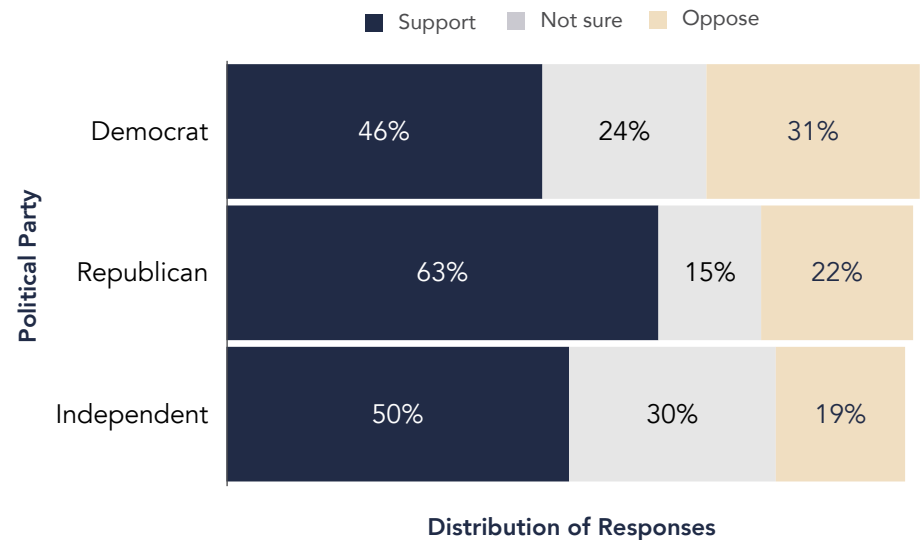
Littlejohn v. School Board of Leon County (Florida): Plaintiffs [**parents**] bring this action to vindicate rights to direct the upbringing of their children as established by the United States and Florida constitutions and by Florida Statutes, Chapter 1014 and 743.07. Defendants [**school district**] have violated Plaintiffs' fundamental rights by, inter alia, implementing a protocol which explicitly circumvents parental notification and involvement in critical decisions affecting their children's mental, emotional and physical health, i.e., the children's assertion of a discordant gender identity and accommodations to facilitate asserting the discordant gender identity at school.

Note I: Percentages may not sum to 100 due to rounding. *Note II*: Red and Blue states are based on the definition in Appendix slide 107. *Sources*: YouGov, "Daily Survey: Transgender Issues," 2022; *Washington Post*, "Gender Transitions at School Spur Debate Over When, or If, Parents Are Told," 2022; Littlejohn v. SB of Leon County, "Case No. 4:21-CV-00415," 2021.

NAMES AND PRONOUNS

Amid the political and legal battles, the realities of LGBT youth are often overlooked.

Percent of LGBT Youth That ...

Findings from data collected by either the 2021 National Survey on LGBTQ Youth Mental Health (N=34,759), a peer-reviewed national study (N=26,161), or the CDC's YRBS surveys from 2015 (N=15,624), 2017 (N=14,765), and/or 2019 (N=13,677)

	Non-LGBT Youth	LGBT Youth
Were Bullied at School	17%	32%
Experienced Homelessness	1%	28%
Abused Opioids	13%	24%
Attempted Suicide	6%	23%
Experienced Forced Sexual Intercourse	6%	19%

■ Non-LGBT Youth   ■ LGBT Youth

Sources: The Trevor Project, "2021 National Survey on LGBTQ Youth Mental Health," 2022; Ivey-Stevenson et al., "Suicidal Ideation and Behaviors Among High School Students — Youth Risk Behavior Survey," 2020; Jones et al., "Prescription Opioid Misuse and Use of Alcohol and Other Substances Among High School Students — Youth Risk Behavior Survey," 2020; Johns et al., "Trends in Violence Victimization and Suicide Risk by Sexual Identity Among High School Students — Youth Risk Behavior Survey," 2020; Morton et al., "Prevalence and Correlates of Youth Homelessness in the United States," 2018.

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While these policies are still new, they've opened the door to several key issues.

Free Speech

Regarding transgender students, disputes and unsettled legal questions without federal precedent are beginning to surface across the country. The challenges for the courts include freedom of speech for both educators and students, parental rights, anti-discrimination law, youth privacy and welfare, and arbitrary thresholds that allow minors to make health-related decisions without parental consent (e.g., *Vlaming v. West Point School Board*).

Health versus Parental Rights

Current policies are already causing tensions between K-12 students' privacy and ability to withhold gender and/or sexual orientation information from legal guardians and legal guardians' right to have access to all records and information.

The pro-LGBT argument will likely be founded in public health concerns and challenge states like Virginia, where a minor can receive access to birth control, mental health, or substance abuse services without parental consent or notification but cannot transition via names and/or pronouns within the K-12 setting without parental consent, and in states like California, where state law limits minors' access to piercing and tattoos but is expansive on gender-affirming treatment.

Data Quality and Collection

There's only one national K-12 student outcome data infrastructure used across the country — NAEP. NAEP collects multiple data points to understand and identify student needs. However, sexual orientation and nonbinary gender identity options are not a collected data point.

The lack of inclusion is leading LGBT advocates to push for large-scale data gathering improvements that would recognize both LGBT students and educators. School systems are getting caught in the middle, having to side with either LGBT advocates or parents. There are also various state approaches to allowing students to change names, changing records either in real time or retroactively, or determining what information they can or should provide to schools.

 Sources: The 74, "The Kids Hiding in Plain Sight: Advocates Push to Collect Data on LGBT Students," 2022; Virginia Department of Health, "Sexual Health FAQs," 2022; Vlaming v. West Point High School, "U.S. Court of Appeals for the Fourth Circuit No. 20-1940," 2021; National Center for Educational Statistics, "Nation's Report Card," 2022.

Contents

Americans who were against school closures are also more likely to be against teaching on gender identity and race.

Conservatives Who Oppose ...
2022

■ Everyone   ■ Respondents who say schools were closed too long

Topics Taught in School

Forming sports teams by gender, rather than biological sex
- 73%
- 86%

Teaching about LGBTQ rights and gender diversity
- 70%
- 84%

Teaching CRT
- 62%
- 80%

Teaching about race and racism
- 50%
- 66%
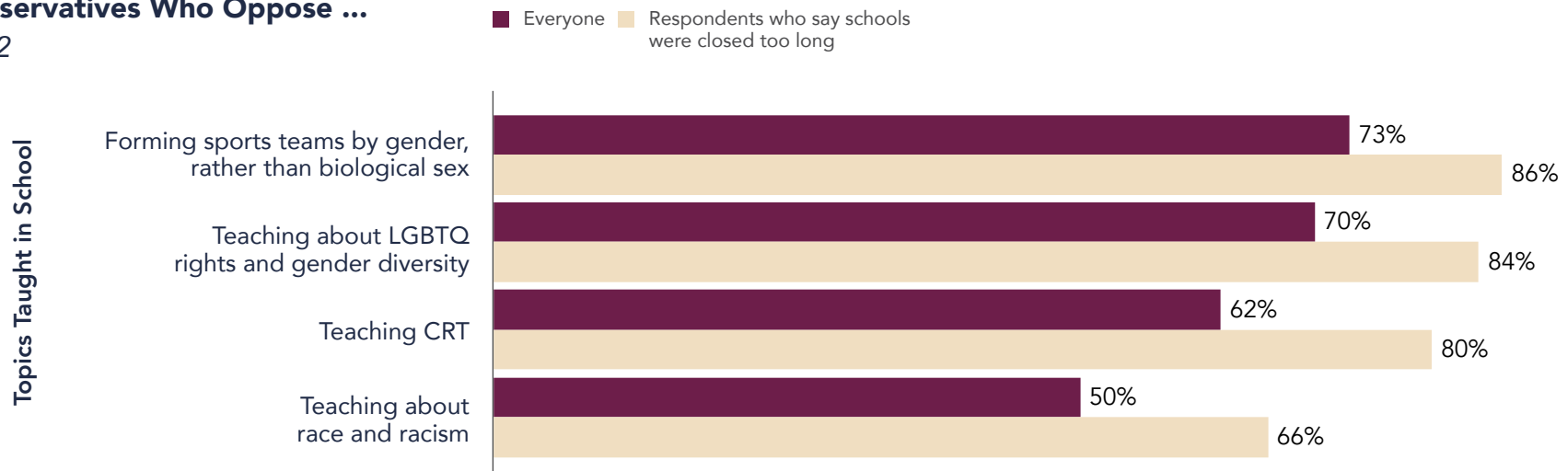
Liberals Who Oppose ...
2022

■ Everyone   ■ Respondents who say schools were closed too long

Topics Taught in School

Forming sports teams by gender, rather than biological sex
- 39%
- 55%

Teaching about LGBTQ rights and gender diversity
- 15%
- 23%

Teaching CRT
- 14%
- 23%

Teaching about race and racism
- 8%
- 14%

Source: *The New York Times, "'Channeling the Mama Bear': How Covid Closures Became Today's Curriculum Wars,"* 2022.
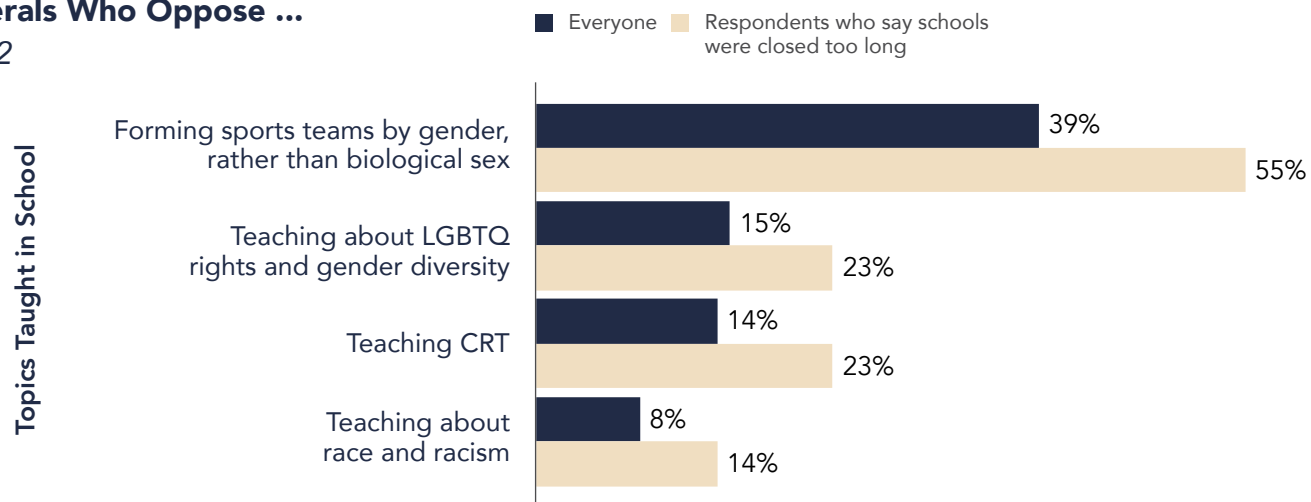
Throughout this document, we look at trends in red and blue states — defined based on their political leadership since 2016.

To complete our analysis and understand whether there are different stories playing out in red and blue states, we first had to define what we mean by red and blue states. To do so, we pulled party data for each state from 2016 to 2022 for the state house/assembly, state senate, and governor, as well as the two most recent presidential elections.

States that have had a Republican trifecta since 2016 — meaning that the Republican party has been in control of the house/assembly, senate, and governorship — and voted for the Republican candidate in the two most recent presidential elections are considered red states in our analyses. Those with a Democratic trifecta since 2016 and Democratic votes in the last two presidential elections are considered blue states in our analyses.

This definition yields 16 red states and six blue states.

Red and Blue States
2016-2022

Sources: Ballotpedia, Historical partisan composition of state legislatures; FEC, Official 2020 Presidential General Election Results; Politico, 2016 Presidential Election Results.

Bellwether.org
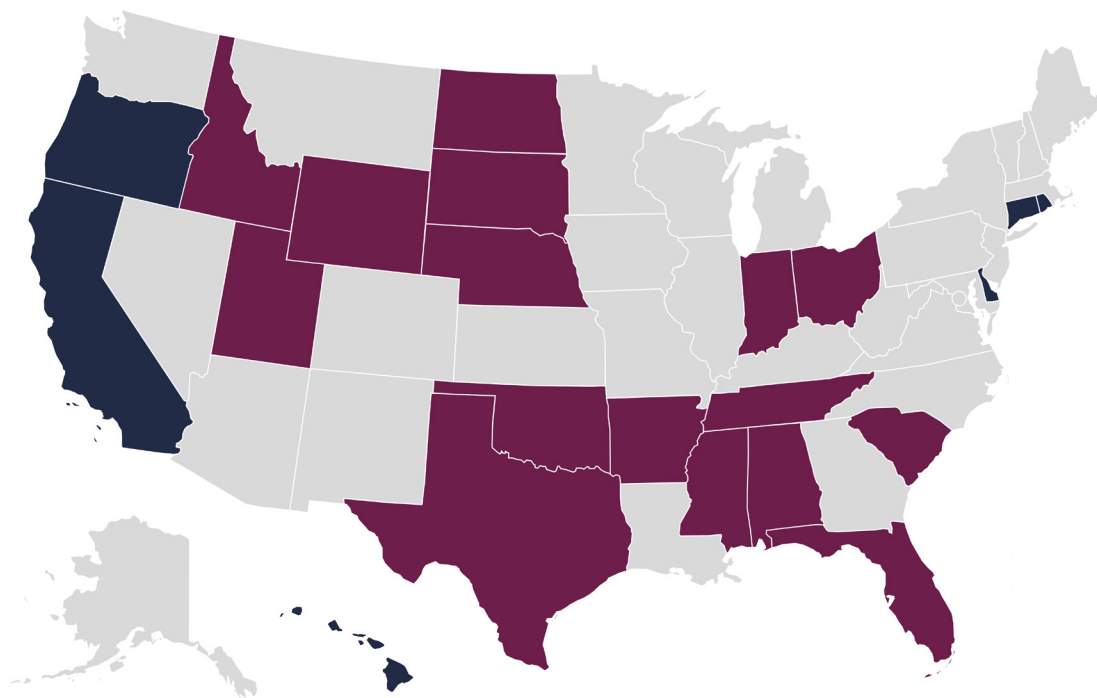
As of September 2022, 10 states had passed laws that address gun safety.

State	Summary
California	• AB 2671 prohibits the gun industry from marketing firearms to minors • AB 1621 further restricts ghost guns and the parts used to build them • AB 1594 establishes a firearm industry standard of conduct • AB 2156 prohibits anyone from manufacturing firearms without a state license • SB 1327 allows private citizens to bring civil action against anyone for manufacturing, distributing, transporting, or importing assault weapons or ghost guns
Colorado	• House Bill 22-1086 prohibits individuals from openly carrying a firearm near a polling location or ballot drop box
Delaware	• HB 450 bans the sale of assault weapons • HB 451 raises the age to purchase most firearms to 21 • HB 423 strengthens background checks • SS1 for SB 6 limits high-capacity magazines • SB 302 holds gun manufacturers and dealers liable for reckless or negligent actions leading to gun violence • SB 8 bans the use of devices that convert handguns into fully automatic weapons
Illinois	• HB 4383 prohibits individuals from selling or possessing ghost guns and ensures all guns are serialized • HB 4729 requires the Department of Public Health to develop and implement a two-year public awareness campaign focused on safe gun storage
Maryland	• Senate Bill 387 bans the sale or possession of ghost guns
New Jersey	• A1765/S1893 allows the Attorney General to bring cause of action for certain public nuisance violations arising from sale or marketing of firearms • A1179/S1204 requires firearm owners who become New Jersey residents to obtain an identification card and register guns acquired out of state • A4367/S2846 upgrades certain crimes related to manufacturing firearms to second degree • A4366/S2905 revises the definition of a destructive device to include certain .50 caliber rifles • A1302/S2903 regulates the sale of handgun ammunition and develops a system of reporting ammunition sales • A4370/S2906 requires training for issuance of firearms purchaser identification card and permit under certain circumstances • A4368/S2907 requires firearm retailers to sell microstamping-enabled firearms upon determination of availability

Continues on next page.

 Sources: CNN, "These Are the Gun Control Laws Passed in 2022 So Far," 2022; The State of Delaware, "Governor Carney Signs Package of Gun Safety Legislation," 2022; The State of New Jersey, "Governor Murphy Signs Sweeping Gun Safety Package 3.0 to Continue the Fight Against Gun Violence," 2022; The State of New York, "Governor Hochul Signs Landmark Legislative Package to Strengthen Gun Laws and Protect New Yorkers," 2022; The State of Rhode Island, "Governor McKee Signs Crucial Legislative Package to Strengthen Gun Safety Laws," 2022.

State	Summary
New York	• S.51001/A.41001 restricts the carrying of concealed weapons in sensitive locations; institutes default No Concealed Carry on private property; establishes new eligibility requirements and expands disqualifying criteria for those seeking concealed carry permits; enhances safe storage requirements; requires background checks for all ammunition purchases; and amends body armor purchase ban to include hard body armor used by the suspect in the May 2022 mass shooting in Buffalo • S.9458/A.10503 bars purchase of semiautomatic rifles by anyone under age 21 • S.9407-B/A.10497 prohibits the purchase of body armor • S.9113-A/A.105-02 expands the list of people who can file extreme risk protection orders
Rhode Island	• Bans large-capacity gun magazines • Raises the legal age to purchase firearms or ammunition to 21 • Changes the definitions of "rifle" and "shotgun" to be consistent with federal law and prohibits the open carry of any loaded rifle or shotgun in public
Vermont	• S.4 bans firearms in hospital buildings and prohibits the transfer of firearms between unlicensed people
Washington	• HB 1705 prohibits the manufacture, sale, purchase, or possession of ghost guns • HB 1630 prohibits the open carry of firearms at local government meetings and restricts them at school board meetings and election-related locations • SB 5078 prohibits high-capacity magazines

 Sources: CNN, "These Are the Gun Control Laws Passed in 2022 So Far," 2022; The State of Delaware, "Governor Carney Signs Package of Gun Safety Legislation," 2022; The State of New Jersey, "Governor Murphy Signs Sweeping Gun Safety Package 3.0 to Continue the Fight Against Gun Violence," 2022; The State of New York, "Governor Hochul Signs Landmark Legislative Package to Strengthen Gun Laws and Protect New Yorkers," 2022; The State of Rhode Island, "Governor McKee Signs Crucial Legislative Package to Strengthen Gun Safety Laws," 2022.

On June 25, 2022, President Biden signed the first major federal gun safety legislation in nearly 30 years.

Provision	Summary
Support for state crisis intervention	• Sets aside $750M to support states to implement and run crisis intervention programs, such as mental health and drug courts and including red flag laws
Protection for victims of domestic violence	• Adds convicted domestic abusers in dating relationships to the National Instant Criminal Background Check System (NICS); allows for the restoration of gun rights after five years if no additional crimes have been committed
Clarified definition of Federally Licensed Firearms Dealer	• Requires more individuals who sell firearms as primary sources of income to register as Federally Licensed Firearms Dealers
Enhanced review process for buyers under age 21	• Requires an investigative period to review juvenile and mental health records for buyers under age 21 • Provides additional funding to the Federal Bureau of Investigation to administer new process checks in NICS and grants to help states upgrade criminal and mental health records within NICS
Violence interruption funding	• Sets aside $250M to fund community-based violence prevention programs
Investment in mental health services for children and families	• Supports the expansion of the community behavioral health model • Improves access to mental health services for youth and families • Provides investments in U.S. Department of Health and Human Services programs that train mental health providers
Increased funding for schools	• $500M to the School-Based Mental Health Services Grant Program • $500M in funding to the Mental Health Service Professional Demonstration Grant • $1B through Title IV-A to support activities to improve conditions for student learning • $50M to the 21st Century Community Learning Centers program • $300M through the STOP School Violence Act to support school safety

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State policies regarding the teaching of race and identity have few enforcement mechanisms.

Many of these policies are vague and the ability to enforce them is questionable.

Policy	Description	Enforcement
Alabama BOE IFFAR	Prohibits public K-12 schools from instruction that "indoctrinates students in social or political ideologies or theories that promote one race or sex above another"	None specified
Florida HB7/SB 148	Bars adopting instructional materials or engaging in any professional development program that "espouses, promotes, advances, inculcates, or compels" belief in certain ideas about race, sex, color, or national origin	None specified
Idaho HB 377	Bans public schools from directing or compelling students to affirm, adopt, or adhere to CRT	None specified
Iowa HF 802	Prohibits "specific defined concepts" from being included in public school curriculum	None specified
Kentucky SB 1	Requires public K-12 and charter schools to make their instruction and instructional materials "consistent" with certain ideas related to race, sex, and American history and culture	None specified
Mississippi SB 2113	Bars compelling students to affirm or adopt certain ideas related to race, sex, or other characteristics	None specified
North Dakota HB 1508	Requires all instruction be "factual" and "objective;" prohibits CRT	None specified
Oklahoma HB 1775	Bans any form of race or sex stereotyping	None specified
South Carolina H 4100	Prohibits funds from being used "to provide instruction in, to teach, instruct, or train certain concepts"	None specified
South Dakota EO 2022-2	Prohibits promoting or endorsing certain ideas related to various identities	None specified
Texas SB 3	Prohibits teachers from discussing a particular current event or widely debated topic	None specified
Utah R277-328	Prohibits promoting or endorsing certain ideas related to various identities	None specified
Virginia EO #1	Prohibits directing or compelling students to adopt or affirm certain ideas (CRT) related to various identities	None specified

Source: PEN America, "Educational Gag Orders," 2022.

Eighteen states have policies in place prohibiting concepts aligned to those in Trump's EO.

State	Name	Enacted	Policy Description/Objective
AL	BOE IFFAR	Aug. 12, 2021	Prohibits public K-12 schools from instruction that "indoctrinates students in social or political ideologies or theories that promote one race or sex above another"
AZ	HB 2898	June 30, 2021	Prohibits "instruction that presents any form of blame or judgment on the basis of race, ethnicity, or sex"
AR	SB 627	April 21, 2021	Prohibits state entities (excluding public schools, charter schools, universities, political subdivisions, and law enforcement) from teaching or training of divisive concepts; bars punishment of state employees for refusing to support such concepts
FL	HB7/SB 148	April 22, 2022	Prohibits adopting instructional materials or engaging in any professional development program that "espouses, promotes, advances, inculcates, or compels" belief in certain ideas about race, sex, color, or national origin
GA	HB 1084	April 28, 2022	Prohibits K-12 schools from promoting certain concepts related to race or U.S. history
ID	HB 377	April 28, 2021	Prohibits public schools from directing or compelling students to affirm, adopt, or adhere to CRT
IA	HF 802	June 8, 2021	Prohibits "specific defined concepts" from being included in public school curriculum
KY	SB 1	June 8, 2021	Requires public K-12 and charter schools to make their instruction and instructional materials "consistent" with certain ideas related to race, sex, and American history and culture
MS	SB 2113	March 14, 2022	Prohibits compelling students to affirm or adopt certain ideas related to race, sex, or other characteristics
NH	HB 544	June 25, 2021	Bars teaching, instructing, or compelling students to support certain concepts
ND	HB 1508	Nov. 12, 2021	Requires all instruction be "factual" and "objective;" prohibits CRT
OK	HB 1775	May 7, 2021	Prohibits any form of race or sex stereotyping

Continues on next page.

State	Name	Enacted	Policy Description/Objective
SC	H 4100	June 25, 2021	Prohibits funds from being used "to provide instruction in, to teach, instruct, or train certain concepts"
SD	Executive Order 2022-2	April 5, 2022	Prohibits promoting or endorsing certain ideas related to various identities
TN	SB 623	May 25, 2021	Prohibits public schools from including or promoting certain concepts in curriculum
TX	SB 3	Sept. 17, 2021	Prohibits teachers from discussing a particular current event or widely debated topic
UT	R277-328	June 3, 2021	Prohibits promoting or endorsing certain ideas related to various identities
VA	Executive Order #1	Jan 15, 2022	Prohibits directing or compelling students to adopt or affirm certain ideas (CRT) related to various identities

Some states' policies regarding teaching race and identity include enforcement mechanisms.

Four policies with specific enforcement language:

Policy	Description	Enforcement
Arizona HB 2898	Bans training, orientation, or therapy that presents blame or judgment based on race, ethnicity, or sex	Civil suit by state Attorney General
Georgia HB 1084	Bans K-12 schools from promoting certain concepts related to race or U.S. history	Loss of institutional autonomy/ Professional discipline
New Hampshire HB 544	Bars teaching, instructing, or compelling students to support certain concepts	Possible termination
Tennessee SB 623	Bans public schools from including or promoting certain concepts in curriculum	Monetary penalty/Loss of state financial support

Sources: PEN America, "Educational Gag Orders," 2022; "PEN America Index of Educational Gag Orders," 2022.

Trump's EO 13950: The nine divisive concepts	AL	AR*	FL	ID	MS	ND	OK	SC	SD	TN	TX	UT
Year first policy was enacted	2021	2021	2022	2021	2022	2021	2021	2021	2022	2021	2021	2021
One race or sex inherently superior	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓
U.S. is fundamentally racist or sexist		✓	✓			✓				✓	✓	
One race is inherently racist, sexist, or oppressive	✓	✓	✓	✓			✓	✓	✓	✓	✓	
Adverse treatment based on race		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓
Every race/sex should not treat others without respect to race/sex	✓		✓				✓				✓	
Moral character is determined by race/sex	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓
A person bears responsibility for actions committed in the past from the same race/sex	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓
A person should feel discomfort/guilt because of their race/sex		✓	✓				✓	✓	✓	✓	✓	
Meritocracy is racist/sexist/oppressive	✓	✓	✓				✓	✓	✓	✓	✓	

AR: Policy applies to state Department of Education but currently excludes public schools.

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About Beta by Bellwether

Beta by Bellwether is an initiative to jump-start bold solutions to structural problems in the education sector. Beta moves beyond imagining a new sector by bringing together viewpoint- and experience-diverse teams from across education to create blueprints and tools for leaders around the United States. Our goal is to help build an education system that better serves all young people — particularly those from systemically marginalized communities — and models a new way forward for the sector. For more, visit **bellwether.org/beta**.

About Bellwether

Bellwether is a national nonprofit that exists to transform education to ensure systemically marginalized young people achieve outcomes that lead to fulfilling lives and flourishing communities. Founded in 2010, we work hand in hand with education leaders and organizations to accelerate their impact, inform and influence policy and program design, and share what we learn along the way. For more, visit **bellwether.org**.

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