

# Journal of Multicultural Affairs

---

Volume 9  
Issue 1 *The Emerging Scholars Issue:  
Continuous Learning Through a Personal and  
Professional Lens*

---

Article 8

September 2023

## The Rise of Critical Race Theory: Current Perspectives and Policies on CRT in Education

Nate Scholten  
Baylor University, nate\_scholten1@baylor.edu

Follow this and additional works at: <https://scholarworks.sfasu.edu/jma>



Part of the [Arts and Humanities Commons](#), [Secondary Education Commons](#), and the [Secondary Education and Teaching Commons](#)

Tell us how this article helped you.

---

### Recommended Citation

Scholten, Nate (2023) "The Rise of Critical Race Theory: Current Perspectives and Policies on CRT in Education," *Journal of Multicultural Affairs*: Vol. 9: Iss. 1, Article 8.  
Available at: <https://scholarworks.sfasu.edu/jma/vol9/iss1/8>

This Article is brought to you for free and open access by the Journals at SFA ScholarWorks. It has been accepted for inclusion in *Journal of Multicultural Affairs* by an authorized editor of SFA ScholarWorks. For more information, please contact [cdsscholarworks@sfasu.edu](mailto:cdsscholarworks@sfasu.edu).

## **The Rise of Critical Race Theory: Current Perspectives on CRT in Education**

*Nate Scholten, Baylor University*

How ironic and *scary* it is that the twentieth century draws to a close with racial hostility in full cry just as it was at the end of the nineteenth century. (Bell, 1995, p. 908)

Credited by many as the architect of Critical Race Theory (CRT), Derrick Bell's comments on the persistence of racial conflict in the United States, published almost 30 years ago, ring true today. Much of the country's present disunity could be attributed to the growing divide surrounding the use of CRT, especially in education. In this policy brief, I first outline the components of Critical Race Theory by discussing its genesis within legal scholarship and summarizing its current utilization and prevalence in education. Following this brief review of the literature, I highlight the current discourses on CRT in education and the introduction of legislation surrounding the use of CRT in the classroom. Finally, I analyze these current trends and offer considerations for the future.

### **What is Critical Race Theory?**

Critical Race Theory is multifaceted and complex, operates in different forms, functions in diverse ways, and carries with it various descriptions depending on the situational context, one's ideological bend, or personal experience. Therefore, I want to operationally define CRT to be able to then engage in the dialogue surrounding policies related to it. Bell (1995) describes CRT as "a body of legal scholarship...ideologically committed to the struggle against racism, particularly as institutionalized in and by

law" (p. 898). Proponents of CRT believe in the social construction of reality and positions race as a lens through which to interrogate structural policies and ideological perspectives (Bell, 1995; Ladson-Billings & Tate IV, 1995). CRT rejects oppression permitted through racist legislation and exposes the privileged nature of whiteness in its various manifestations (beliefs, ideologies, policies), while raising awareness of the erasure, rejection, and reduction of non-white perspectives or values (Bell, 1995; Ladson-Billings & Tate IV, 1995). As CRT views racism as embedded within the fabric of society, the theory draws on the lived experiences of individuals in marginalized groups and uses stories to disrupt and circumvent these existing structures to shed light on norms invisible to a white majority (Bell, 1995; Edward, 1998; Ladson-Billings & Tate IV, 1995; Lynn et al., 2013).

The use of CRT, once and still prevalent within legal scholarship, has expanded into various other fields. CRT in education is used as a framework to analyze the marginalized voices of minorities within curricula and standards, policies such as student tracking, and ingenuine practices of multicultural education that serve to perpetuate stereotypes and structural racism (Edward, 1998). Further, CRT unravels how education privileges white norms, silences minority narratives, and perpetuates the inextricable correlation between race and educational inequity (Ladson-Billings & Tate IV, 1995). It rejects the essence of meritocratic principles and the supposed attainment of "color-blindness" in policies and individuals (Edward, 1998; Lynn et al., 2013). Lastly, CRT also incorporates the notion of interest convergence that states whites only seek equitable norms, practices, and policies for Blacks when these ends align or converge with their own interests. The goal of CRT in education is liberation,

and only by placing race at the forefront of teaching and learning can liberative justice for the oppressed be realized.

### **Policy Trends Surrounding CRT**

Although many educators see CRT as an effective tool for revealing the imperceptible ways education props up whiteness, dismantling myths of meritocracy and color-blindness, and rejecting racial subordination (Edward, 1998; Lynn et al., 2013), there is now a concerted effort from many Republican conservatives to ban any indication of CRT within instructional methods or curricular content and materials in schools. Currently, state legislatures including Texas, Idaho, Iowa, Tennessee, and Oklahoma have passed bills forbidding the teaching or use of CRT in classrooms, while bills in Wisconsin, Michigan, Ohio, North Carolina, and Missouri (among others) have been introduced. What is the language used within these anti-CRT policies? In Tennessee, while not specifically citing “CRT” or “Critical Race Theory,” Senate Bill No. 623 (An Act to Amend Tennessee Code An Act to Amend Tennessee Code Annotated, Title 4 and Title 49, Relative to Education , 2021) prohibits the use of instructional materials that suggest “(2) An individual, by virtue of the individual’s race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously,” or make individuals “(6) feel discomfort, guilt, anguish or another form of psychological distress solely because of the individual’s race or sex,” or communicate “(8) this state or the United States is fundamentally or irredeemably racist or sexist.” Senate Bill 3 (An Act Relating to Civics Training Programs for Certain Public School Social Studies Teachers and Principals, Parental Access to Certain Learning Management Systems, and Certain Curriculum in Public

Schools, including Certain Instructional Requirements and Prohibitions, 2021) in Texas contains similar language stating instruction cannot include concepts that frame “slavery and racism [as] anything other than deviations from, betrayals of, or failures to live up to, the authentic founding principles of the United States, which include liberty and equality” (Section 4B). Unsurprisingly, there are now attempts to combat the prevalence of CRT at the federal level as well. Numerous bills have been introduced specifically mentioning Critical Race Theory. Various amendments to a government funding bill sponsored by Republican Congressman Dan Bishop of North Carolina aim “to prohibit federal funds from being used to promote, train or teach Critical Race theory (CRT)” (Dillon, 2021, para. 1), while the End CRT Act (2021) referred to the House Committee on Education and Labor seeks “to prohibit federal funding for any agency or recipient of federal funds to teach Critical Race Theory (CRT) in workplace training” (End CRT, 2021). Viewed holistically, these bills ban a teacher’s teaching of CRT, inclusion of course content related specifically to discussions of race, or instructional perspectives or tools that carry with them any association to CRT. Clearly, the theoretical construct is pushing buttons within conservative circles, and the movement to ban its inclusion within schools, occupational training, and professional development experiences is ablaze.

### **Current Discussions on CRT Policies**

Two prominent discourses encapsulate the debate surrounding Critical Race Theory and how it should (or should not) be taken up in primary and secondary schools in the U.S. Critical pedagogues contend CRT provides a helpful lens

through which to reveal hegemonic, oppressive norms and racially systemic policies (Duncan, 2020; Edward, 1998; Heilig et al., 2012; McCarthy, 1993; McCarthy et al., 2005). Many educators argue CRT is a useful analytical and instructional tool to spark discussions related to race and believe the banning of CRT and its foundational tenets through legislative action stifles academic freedom, instructional control, and teacher creativity. For example, Heilig et al. (2012) utilized CRT as a theoretical lens to explore the illusion surrounding the inclusion of marginalized, minority voices in the Texas Secondary Social Studies Standards (TEKS), while Duncan (2020) employed CRT to describe the efforts of a Black civics teacher to restructure a secondary American Government course around notions of refusal, resistance, and fugitivity. CRT is undoubtedly useful as a theoretical lens and even an instructional tool to expand or challenge students thinking on racialized norms. Even liberal (the political or moral philosophy founded on individual rights) thinkers and advocates, while disagreeing with some of the tenets of CRT, believe the banning of CRT from classrooms is unconstitutional and incredibly detrimental to American democracy. David French, senior editor of *The Dispatch* (a media company informed by conservative principles), writes "...something is going wrong on the right. An increasing number of politicians, lawyers, and activists are responding to fears of left-wing intolerance with their own efforts to censor, suppress, and cancel" (French, 2021, para. 9). With the introduction and passage of legislation containing broad language related to the teaching of CRT, French and others believe a dangerous precedent is being set related to the teaching of controversial issues in the classroom.

Conversely, critics of CRT argue it is a form of reverse-racism, and it perpetuates unhelpful and detrimental narratives. They argue Critical Race Theory's obsession over race as the single most important social construct contributes to, rather than alleviates or solves, racial disunity (Wallace-Wells, 2021). Christopher Rufo, described by as the architect of the contemporary conflict over Critical Race Theory, contends CRT is a "destructive, divisive, pseudoscientific ideology" (Wallace-Wells, 2021, para. 8). Although recently made inaccessible, starting in 2021 Rufo had displayed an up-to-date CRT legislation tracker on his personal website (<https://rufo.substack.com/crt-tracker>). James Lindsay, another outspoken advocate against CRT, claims anti-CRT policies are needed due to its proponents' radical fixation on race. According to Lindsay (2021), CRT rejects "fundamental liberal, reasonable, legal, and scientific principles upon which liberal societies operate" (para. 7). In these instances, rather than viewing legislation banning CRT as harmful to democratic principles, Rufo and Lindsay argue the exact opposite: anti-CRT laws are necessary and required to sustain America as a flourishing nation. Both posit the banning of CRT will improve classroom discussions and contribute to a more unifying classroom environment in public schools, as CRT and its various approaches and manifestations have caused more harm than good.

### **Recommendations, Implications, and Future Directions**

With anti-CRT bills circulating through states and the federal government, coupled with restrictions on the practice of forms of civic engagement among youth in classrooms, educators are visibly losing instructional autonomy and the ability to teach about controversial topics. How, then,

should teachers respond? One of the arguments for banning the teaching or use of CRT in the classroom cites the power and influence of the teacher and claims the inclusion of CRT and its tenets will brainwash or indoctrinate students. In the traditional characterization of a classroom that enacts a banking model of teaching and learning (Freire, 1970), this argument is valid. Furthermore, within the context of the United States that has been chiefly operated by whiteness and through a Eurocentric gaze, it is not surprising for CRT and its many forms to be framed as indoctrination (Quijano & Ennis, 2000). CRT disrupts the longstanding norms and narratives of power, especially in the social studies. As such, teachers must continue this work to resist the restrictive banking model of education within their classrooms and cultivate an environment around the principles of problem-posing education (Freire, 1970). In a truly problem-posing classroom environment, teachers form dialogical relationships with their students (Burbules, 1993). Unlike viewing students as empty reservoirs in need of information to fill the vacant space, a dialogical classroom environment affirms the experiences and understandings of both teachers *and* students, as each can learn from the other. Teachers who choose to take up CRT in the classroom must work to use it in ways that challenge and expand students' thinking, while simultaneously inviting and affirming their valid, diverse, and maybe at times oppositional perspectives.

Controversy is inherent in teaching and learning, especially within social studies classrooms, and thus should not be avoided. Hess (2004) supports this claim and believes teachers do a disservice to students by avoiding topics of tension within the curriculum or discussions around contentious issues, both past and present. Rather than avoiding topics of controversy,

issues of conflict, or moments of tension, teaching for discomfort (Kumashiro, 2004) should be the aim. Teaching for discomfort elicits a moment of crisis in students or “a state of disorientation” (Kumashiro, 2004, p. 30). Importantly, however, eliciting a moment of crisis in students is not enough. Whether this moment of crisis occurs due to discussions related to CRT, by using the theory as a theoretical framework to analyze historical or present concepts or events, or because of dialogue on a controversial topic, teachers must help students *work through* this moment of crisis. Providing students with opportunities to work through moments of crises manifests in various ways, including offering students ample time to explore and research the topic/issue, incorporating diverse perspectives on the subject, inviting students to make connections to their lived experience, and allowing space for students to dialogue candidly regarding their beliefs, opinions, and emotions (Kumashiro, 2004).

However, when policies and bills are being passed that forbid the use of instructional strategies, curricular content, or social analyses that invite or prompt students to think about or discuss race, this purposeful instruction of and with CRT requires courage. Practically, one approach that could embolden teachers to tackle controversial topics and help students work through their moments of crisis is action civics (Blevins et al., 2020; Levinson, 2014; Smith et al., 2022). Action civics invites students, collectively, to draw from their personal experiences, examine their communities, and create sustained plans of action to solve complex social problems (Epstein, 2014; Levinson, 2014). The action civics inquiry cycle ties seamlessly to social studies standards by helping students connect present issues with the past (Andes et al., 2021; Hart & Wandeler, 2018; Mirra & Garcia, 2020). Additionally, rather than

isolating the classroom from the community, specifically parents, the approach encourages students to seek the expertise of like-minded adults (Blevins et al., 2020). Courage is contagious, and courage becomes easier when solidarity is formed through shared understandings (Magill et al., 2022). Creating coalitions of individuals unafraid of engaging in dialogue around issues of controversy like race is the response that is needed amid this debate over CRT. Banning the discussion of CRT in classrooms due to its contentious nature and the possible discomfort it may cause students does not solve the racial conflicts present within this country. Alternatively, rather than backing policies that attempt to stifle the conversation surrounding CRT, individuals must work to engage in consistent dialogue across difference to achieve more equitable and unifying ends.

### References

An Act Relating to Civics Training Programs for Certain Public School Social Studies Teachers and Principals, Parental Access to Certain Learning Management Systems, and Certain Curriculum in Public Schools, including Certain Instructional Requirements and Prohibitions, SB 3, 87<sup>th</sup> Legislative Session. (2021). <https://capitol.texas.gov/tlodocs/871/billtext/pdf/SB000031.pdf#navpanes=0>

An Act to Amend Tennessee Code Annotated, Title 4 and Title 49, Relative to Education, SB 623, Public Chapter 493, 112th General Assembly. (2021). <https://legiscan.com/TN/text/SB0623/id/2409134>

Andes, S., Fitzgerald, J. C., Cohen, A. K., & Warren, S. (2021). Teaching students

to be political in a nonpartisan way: Reflections from action civics education across red and blue states. *Peabody Journal of Education*, 96(3), 285–293. <https://doi.org/10.1080/0161956X.2021.1942707>

- Bell, D. (1995). Who's afraid of critical race theory? *University of Illinois Law Review*, 1995(4), 893–910.
- Blevins, B., Bauml, M., Scholten, N., Smith, V. D., LeCompte, K. N., & Magill, K. R. (2020). Using inquiry to promote democratic citizenship among young adolescents during summer civics camps. *Citizenship Teaching & Learning*, 15(3), 271–295. <https://doi.org/10.1177/07435584211006785>
- Burbules, N. (1993). *Dialogue in teaching: Theory and practice*. Teachers College Press.
- Dillon, A. P. (2021, May 13). U.S. Rep. Bishop introduces legislation banning federal funding for Critical Race Theory. *North State Journal*. <https://nsjonline.com/article/2021/05/us-rep-bishop-introduces-legislation-banning-federal-funding-for-critical-race-theory/>
- Duncan, K. E. (2020). “What better tool do I have?”: A critical race approach to teaching civics. *The High School Journal*, 103(3), 176–189.
- Edward, T. (1998). A primer on critical race theory: Who are the critical race theorists and what are they saying? *The Journal of Blacks in Higher Education*, 19, 1–5.
- Epstein, S. E. (2014). *Teaching civic literacy projects: Student engagement with social problems, grades 4-12*. Teachers College Press.

- End CRT Act, S. 2221, 117<sup>th</sup> Cong. (2021). <https://www.congress.gov/bill/117/h-congress/senate-bill/2221/text>
- French, D. (2021, Nov. 2). The threat from the anti-woke right. *The Free Press*. <https://www.thefp.com/p/the-threat-from-the-anti-woke-right>
- Hart, S., & Wandeler, C. (2018). The impact of action civics learning on eighth-grade student' civic outcomes. *International Journal of Research on Service-Learning and Community Engagement*, 6(1), 11–17.
- Heilig, J. V., Brown, K. D., & Brown, A. L. (2012). The illusion of inclusion: A critical race theory textual analysis of race and standards. *Harvard Educational Review*, 82(3), 403–424.
- Hess, D. E. (2004). Controversies about controversial issues in democratic education. *PS: Political Science & Politics*, 37(2), 257–261. <https://doi.org/10.1017/S1049096504004196>
- Freire, P. (1970). *Pedagogy of the oppressed*. Herder and Herder.
- Kumashiro, K. (2004). *Teaching against common sense*. Routledge.
- Ladson-Billings, G., & Tate IV, W. F. (1995). Toward a critical race theory of education. *Teachers College Record*, 97(1), 47–67.
- Levinson, M. (2014). Action civics in the classroom. *Social Education*, 78, 68–72.
- Lindsay, J. (2021, Jan. 10). What is critical race theory? *New Discourses*. <https://newdiscourses.com/2021/01/what-is-critical-race-theory/>
- Lynn, M., Jennings, M., & Hughes, S. (2013). Critical race pedagogy 2.0: Lessons from Derrick Bell. *Race Ethnicity and Education*, 16(4), 603–628. <https://doi.org/10.1080/13613324.2013.817776>
- Magill, K. R., Scholten, N., Blevins, B., & Smith, V. D. (2022). The importance of civic culture: Toward intellectual solidarity and community agency. *Education, Citizenship and Social Justice*, 0(0). <https://doi.org/10.1177/17461979221130431>
- McCarthy, C. (1993). After the canon: Knowledge and ideological representation in the multicultural discourse on curriculum reform. In C. McCarthy and W. Crichlow (Eds.) *Race, identity, and representation in education* (pp. 290-305). Routledge.
- McCarthy, C., Crichlow, W., Dimitriadis, G., & Dolby, N. (Eds.). (2005). *Race, identity, and representation* (2nd ed.). Routledge.
- Mirra, N., & Garcia, A. (2020). “I hesitate but I do have hope”: Youth speculative civic literacies for troubled times. *Harvard Educational Review*, 90(2), 295–321. <https://doi.org/10.17763/1943-5045-90.2.295>
- Quijano, A., & Ennis, M. (2000). Coloniality of Power, Eurocentrism, and Latin American. *Nepantla: Views from South*, 1(3), 533-580.
- Smith, V. D., Magill, K. R., Blevins, B., & Scholten, N. (2022). Sorting through citizenship: A case study on using cognitive scaffolding to unpack adolescent civic identity formation. *The Journal of Social Studies Research*, 46(3), 223–235. <https://doi.org/10.1016/j.jssr.2021.09.002>
- Wallace-Wells, B. (2021, June 18). How a conservative activist invented the conflict over critical race theory. *The New Yorker*. <https://www.newyorker.com/news/anal-of-inquiry/how-a-conservative->

activist-invented-the-conflict-over-  
critical-race-theory