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To: Members of the Fairfax County School Board:
Ricardy Anderson, Laura Jane Cohen, Karl Frisch, Karen Keys-Gamarra, Rachna
Sizemore Heizer, Tamara Derenak Kaufax, Megan McLaughlin, Melanie Meren, Abrar
Omeish, Stella Pekarsky, Karen Corbett Sanders & Elaine Tholen

Subject: **Controversial Issues Policy**

The School Board's long-standing Controversial Issues Policy and Regulation ("Policy") is simple, straight-forward and fair. It provides that when controversial issues arise in classrooms, teachers must address them "as impartially and objectively as possible," not letting personal biases or beliefs interfere. Teachers should offer "multiple perspectives on the issues under discussion" and should not put their weight on one side of the debate.

The Board is now considering a total rewrite of the Policy. The motivation for amending it was your development of new curricula for social studies that emphasize concepts of "privilege," "power," "institutional racism," "identity," and "equity." The Board recognized that these concepts are controversial and thus, to permit them to be taught, the Policy needed to be amended.

I write to request two things. First, publicize the proposal and establish a meaningful period for public comment. Second, when the proposal comes to you for a vote, reject it and retain the existing Policy.

A. Public Comment Is Important

The Board has taken almost two years to get to this point. In September 2020, the Board directed its staff to develop a revision of the Policy. This was deemed to be a "critical policy action," needed to support the "anti-racism, anti-bias" curricula being developed.

A consultant was hired in January 2021. In the spring, a biased survey was administered, and focus group sessions were conducted with your hand-picked "stakeholders." Thereafter, in July, if not earlier, a draft of an amended Policy was prepared, and it was given to your "stakeholders" for their comments. The general public was excluded from this process.

The process was "paused" in the autumn. As recently as January 2022, some of your staff members seemed confused about what the next steps would be. Then, in mid-March, a substantially rewritten Policy was considered by the Board's Governance Committee. The proposal was considered again at the Committee's April and June meetings, and, with additional amendments, it was approved by the Committee on June 23. It has been sent to the full Board for review at a work session on July 12.

The Board has not been in any rush to develop a new Policy. It should not be in a rush to approve it. The pending proposal would dramatically change the status quo. Therefore, the Board should take time so its constituents – all of them, not just your “stakeholders” -- have a full opportunity to understand it and comment on it.

B. The Board Should Reject the Proposed Policy

1. Why Is the Policy Being Amended?

The first step to a meaningful discussion is to understand why the Policy is being revised. Although its proponents sometimes say changes are needed so teachers can be free to “teach history,” you know that’s not what’s involved. Teachers have always been free to teach the facts of history. The textbooks for the social studies courses cover history comprehensively and objectively, and teachers have not been restrained from supplementing the texts to present a full picture of our past.

Nor is the current Policy a deterrent to teaching students to shun racism and other forms of bias. Teachers are not prohibited from telling kids to respect all their peers, regardless of their race, ethnicity, sex, sexual orientation, religion, etc. Doing that is not controversial.

What is at issue is using classrooms to promote concepts of “social justice” – not history, but instead, ideas about policies that should be adopted in today’s world.

The Board’s decision to revise the Policy was motivated by its adoption of new “anti-racist, anti-bias” curricula focusing on “power,” “privilege,” “identity,” “institutional racism” and “equity.” These concepts present history as an exercise of self-aggrandizing “power” by those who are “privileged” (white men), to the detriment of others. The curricula also teach that past discrimination has become “institutionalized,” such that minorities are held back today in their opportunities to succeed, notwithstanding all the changes that have been made in our laws and social attitudes. Students are being taught to think of themselves in terms of their separate “identities” (race, sex, sexual orientation, religion) rather than in common terms. And they are being taught that equality of opportunity is not sufficient ... that “equity” requires measures to ensure equal outcomes for all. These ideas are among the key tenets of Critical Race Theory.

The Board has recognized that these concepts are controversial. For example, at a September 15, 2020 meeting, the Social Studies Coordinator, Colleen Eddy, stated:

“We know that ultimately anti-racism and anti-bias education asks for teachers to take a clear stand, a stand against racism, a stand against bias, on issues that some people may perceive as controversial. And when we come down to it, we know that changing attitudes, challenging inequality, and raising consciousness are not neutral matters.”

Likewise, at another meeting, one of the slides in a slide show stated:

“While exploration of controversial issues is encouraged [by the Controversial Issues Policy], teachers’ ‘personal beliefs’ are not to interfere. In contrast, anti-racism and anti-bias education requires educators to take a stand on issues that some may perceive as controversial.”

The Board wanted these controversial ideas about power/privilege/racism/identity/equity to be central to the curricula. Revising the Controversial Issues Policy was recognized as a “critical policy action” to permit them to be taught.

As the proposal moves forward, do not ignore its motivating purpose. That would only produce more controversy.

2. The Controversial Curricula Have Already Been Implemented.

Although a new Policy has not yet been adopted, the controversial “anti-racism, anti-bias” curricula have been. Thus, you are now playing catch-up to conform your policies to what is already happening in the schools.

For example: The 2021-22 Curriculum Guide for the 11th grade U.S. History course states that the curriculum was developed to support Fairfax’s “anti-racism, anti-bias education.” As stated in the Guide, the course focuses on how “power, position, privilege and agency” have shaped our history, and how those factors affect students’ “identities” and communities today. The first two-week unit of the course is devoted to why and how history is taught. The “priority standard” here is to teach “thinking skills ... with an emphasis on the concepts of power, position, bias, and agency, and [how to] apply them to their learning regarding their identities, communities, states, the nation and the world.” The next two-week segment, entitled “early America: settlement and colonization,” is a study of “interactions and power,” with a “focus on the influence of power, position, and/or agency in the development of the 13 colonies.” The Guide states that students will be taught to “recognize that power and privilege influence relationships on interpersonal, intergroup and institutional levels.” And so it goes, topic after topic, throughout the teaching of U.S. History, emphasizing race and injustice with unrelenting force.

There is no doubt that injustices have occurred throughout our history, but is injustice the main theme of our past? Is it all about majorities exercising “power” and “privilege” to the detriment of minorities? And, to what extent do past injustices keep minorities from succeeding today? Is the destiny of students shaped by their “identity”?

As the Board recognized when it began revising the curricula, these are controversial concepts. The school system is now teaching them as established facts. It is therefore violating the existing Controversial Issues Policy. The question is whether a revised Policy should give its blessing to teaching these divisive ideas.

3. The Board’s Race-Centric Curriculum Ignores Its Constituents.

Ask yourselves: Do you know how Fairfax County citizens feel about teaching these concepts? You have acknowledged that they are controversial, but do you know how controversial? Would 80 percent of the adults in Fairfax County oppose the “anti-racism” curricula if they were fully informed about what you are teaching our children? 60 percent? 40

percent? I submit that you don't know because you have never done an objective survey of public opinion, based on full disclosure of how these topics are being embedded in teaching.

In your development of a new Controversial Issues Policy, you spent 50,000 taxpayer dollars on a biased survey that even some of you, and your staffs, acknowledged was flawed. (The documents were obtained in Freedom of Information Act requests.) You also conducted focus groups with your "stakeholder" groups, which were not representative of the community. (A list of the Board's "stakeholders" is attached to this letter.) You haven't deemed it necessary to learn the feelings of the public at large.

There are reasons why the so-called "anti-racism" concepts are controversial, and the explanation isn't that your constituents are racists. The concepts are controversial because they largely rest on unproven hypotheses. They are controversial because they are based on gross over-generalizations about human behavior and attitudes. They are controversial because they are negative in their outlook, relying on past history, while ignoring what society has done in recent decades to put past discrimination behind us. And they are controversial because they are divisive. Many of your constituents honestly and strongly believe that it is not only wrong, but also counterproductive, to tell white kids they're privileged, to tell black kids they're being held back by institutional barriers, and to tell all kids they should view themselves and their place in the world in terms of their separate "identities." Don't these concepts create conflict rather than bring us together?

The existing Controversial Issues Policy, which requires neutrality on controversial subjects, exists for a good reason. It is not the place of the School Board or teachers to decide who is right and who is wrong on issues of public policy where reasonable people can hold divergent opinions. Nor is it the place of the School Board to encourage students to become activists in support of particular causes. If the Board insists on doing so here, it will be saying, "We know best, and parents shouldn't be telling teachers what to teach." When an attitude like that was advanced last November, it was resoundingly rejected by Virginia voters.

Teachers should teach the facts of history, not their concepts of "social justice" in today's world.

4. The Proposal Is Vague and Does Not Accurately Reflect Its Purpose.

Several drafts of the new Policy have been considered. Each has become more wordy, contradictory and vague, making the effect of the revisions increasingly uncertain.

The draft considered by the Board's Governance Committee at its March and April meetings would change the current Policy in two key ways that are not readily apparent. First, although it would tell teachers to "reflect" on personal biases, etc., it would no longer require them to be impartial and objective. It provided that students should be taught to think critically about information and perspectives, "*including those presented by the teacher.*" This is an indirect way of saying that teachers would be free to advocate their own views and/or other controversial views endorsed by the school authorities. Second, the draft would not require teachers to present "multiple perspectives," as the current Policy does. The proposal would

encourage candid discussion of alternatives *if* students challenge the teachers' assertions, but there would be no requirement that the teachers objectively introduce alternative arguments on their own. Thus, teachers presumably could talk about "white privilege" as an established fact, and could tell students that their opportunities in life are largely determined by their "identity," without giving equal weight to contrary arguments.

At the April committee meeting, two Board members (Frisch and McLaughlin) commented that the new Policy should include language to the effect that teachers shouldn't put their thumb on the scale when controversial issues are discussed in classrooms. Therefore, without changing the amendments just discussed, the proposal was amended to say that teachers should "practice impartiality and objectivity."

The addition makes an already-muddled proposal even more confusing. Along with the new "impartiality and objectivity" clause, the current draft retains the language permitting teachers to present their own perspectives. This creates an inherent contradiction. If the Board actually wanted teachers to "practice impartiality and objectivity," there would be no need to rewrite the Policy, because the existing Policy calls for this in plain and simple terms. Thus, the Governance Committee's final work product is confusing at best. Moreover, there is no way to reconcile "neutrality and objectivity" with a curriculum that focuses on concepts that the Board and its staff have acknowledged to be controversial.

Does the new Policy authorize teachers to instruct their students that history revolves around the concepts of "power," "privilege," "bias," "identity," etc.? I have read the language over and over, but can't find an answer. I assume the intended answer is "yes," since the process of revising the Policy began with this intent, but the language of the proposal doesn't make this clear.

The revised Policy does suggest that teachers won't be biased if they teach what's in the approved curricula (although this isn't said directly). Given that the new curricula embody the concepts of privilege, institutional racism, etc., perhaps the teaching of these ideas is being indirectly endorsed by the new Policy (although, again, the proposal doesn't say this). Teaching these concepts as established facts was acknowledged to be controversial a few months ago, but it may be that under the new Policy they will now be considered to be "neutral and objective." Viola! Controversy is gone!

The proposed Policy could be greatly simplified if it candidly stated: "Instruction about the role of power, privilege and 'identity' in history and in shaping today's lives and opportunities will not be considered to be controversial." Blunt candor like this would be impolitic. Maybe that's why the draft obscures the point in a word salad of verbiage.

5. The Board's Concept of "Critical Thinking" Is Unrealistic and Biased.

A major emphasis of the proposed new Policy is to encourage "critical thinking" by students. The stated "philosophy" is to encourage students to "think critically, construct their own understanding, and question information and perspectives presented in resources, including those presented by the teacher."

There are at least three reasons why this formulation is biased and not meaningful.

First, the concept of “critical thinking,” while a laudable goal, is unrealistic for most students. When teachers lecture young children, true critical thinking does not occur. The vast majority of younger students simply absorb what they are told, and they lack the knowledge and experience to challenge their instructor. If a teacher tells a 4th grader, or 7th grader, or 9th grader, that as a result of past and present discrimination, the black children in the classroom face serious barriers to success today, is it realistic that a student will raise his or her hand and say, “Wait a minute, Miss Jones, that’s not true ... opportunities abound in today’s world for everyone, regardless of their race.”? Of course not. And if a student did have the temerity to do this, what would be the result? Would the teacher then open up this child’s point of view for objective discussion, without any interference? Probably not. And even if the teacher did sit back quietly in the ensuing discussion, his or her superior moral authority in the classroom would have already placed a heavy weight on one side of the debate; most students would side with the teacher, not with the upstart student.

Second, even in the case of high school juniors and seniors, the concept of “critical thinking” about “privilege,” “institutional racism,” “power,” identity” and “equity” is unrealistic. Under the Board’s plans, students will be bombarded with these notions from kindergarten on. Thus, students are likely to be fully indoctrinated long before they approach the end of their education in Fairfax County public schools.

Third, the Board’s concept of “critical thinking” isn’t critical thinking at all. For instance, in the 12th grade U.S. Government course, the curriculum guide for the two-week segment about the drafting of our Constitution describes the critical thinking objective as follows:

“The resources and guidance below support the development of students’ thinking and skills using disciplinary content and concepts. Students will apply social science skills to understand the federal system of government described in the Constitution of the United States with an emphasis on the concepts of power, position, bias, and agency. Students will analyze the harmful impact of bias and injustice on the world, historically and today. Students will recognize their own responsibility to stand up to exclusion, prejudice and injustice.”

This is straight out of the Board’s approved curriculum!!!! Not only is it outrageous to teach students that the main thing to be learned about the Founding Fathers is that they were exercising their power and position to disadvantage others; it is absurd to think that this constitutes “critical thinking.” The point of the lesson, it seems, is that the Constitution didn’t abolish slavery or, perhaps, that it didn’t give women the right to vote. But does that justify jumping to the conclusion that the Constitution is an example of “identity politics” in which the white, male Founding Fathers were trying to protect their power at the expense of others?

True critical thinking might pose to the students a question like this: “Slavery was an entrenched part of the economy of the Southern states. Demanding that it be abolished in 1787 would have been a non-starter for them. So, when the Founding Fathers met in Philadelphia,

should they have: (a) continued muddling through with the failed Articles of Confederation (which did not outlaw slavery), or (b) created two separate nations, one in the North and one in the South, or (c) adopted the Constitution that they did, creating one nation, but postponing the slavery question for later resolution?”

That would be an interesting question for mature students to discuss, without a teacher steering the discussion in a particular direction. That debate would involve “critical thinking.” However, no thinking is involved, much less mature thinking, when a teacher simply maligns the Constitution without considering the real-world choices that had to be made at the time. It is bogus to say, as the Board-approved curriculum does, that students should be taught to develop “thinking skills, with an emphasis on the concepts of power, position and bias.” That’s indoctrination, not independent thinking.

6. The Proposal Contains No Meaningful Checks on Teachers.

The existing Policy requires teachers to consult with their principals, and to provide them with an outline of their lesson plans, when they plan to discuss controversial issues. The revised Policy would eliminate this. Although such a requirement would not in itself be an effective check on improper indoctrination (particularly since the principals are also receiving regular training about “privilege,” etc.), it might at least deter egregious abuses. Unfortunately, the proposed Policy lacks even this minimal protection.

Consider this hypothetical: The School Board’s deliberations on a sensitive matter relating to “social justice” are leaked to a teacher, or group of teachers, who are sympathetic to the leaker’s viewpoint. The teachers then encourage their students to protest the Board’s planned action at the next School Board meeting. The teachers’ conduct would clearly be controversial under the current Policy, but the proposed revision would not require prior review and approval by the school’s principal or by any other higher authority.

Even more effective than requiring prior approval would be if parents had easy access to all teaching materials and lesson plans that incorporate controversial concepts. A provision for exactly that was included in an earlier draft of the revised Policy. It specified:

“Parents, guardians, and students have the following rights relevant to learning experiences about controversial issues: ... Parents and guardians have the right to review all curriculum materials.”

Without explanation, this was deleted from the version approved by the Governance Committee and was replaced with this statement, which avoids disclosing parental rights:

“Fairfax County Public Schools provides an Annual Notice of Survey, Records, Curriculum, Privacy, and Related Rights and Opt-Out Forms to keep families informed of their rights related to their child’s education.”

This vague language means very little. As I have learned, requests for access to curriculum materials are treated as requests under the Freedom of Information Act. Citizens are told they must visit the School Board offices to see some of them. As for the rest, getting access

takes many weeks, and the school system charges fees to get them, which can run into several hundred dollars.

7. The Proposal Ignores an Important Issue

The revised Policy is silent about an important issue: How does it apply to encouraging students to become activists in “social justice” causes?

One of the objectives of the Board’s privilege/social justice/identity/power/equity curricula is to encourage students to become activists in “social justice” activities. As stated in a Board document entitled “Next Steps for Anti-Racism and Anti-Bias Policy Work,” a “curriculum that challenges racism and bias includes the following goals ... To afford opportunities to take meaningful action to improve [students’] communities and the world.” Or, as stated in a slide show entitled “Curriculum for Equity,” the standards for anti-bias education “recognize that, in today’s diverse classrooms, students need knowledge and skills related to both prejudice reduction and collective action.” The Board’s planners often cite with approval the “Social Justice Standards” of Teaching Tolerance; one of the four pillars of which is “Action: Students will plan and carry out collective action against bias and injustice in the world.”

Organizing students for collective action has already been incorporated into your social studies curricula. In the 12th grade U.S. Government course, one of the year-long “core standards,” is that “students will plan and carry out collective action against bias and injustice in the world and will evaluate what strategies are most effective.”

Students can develop good citizenship in many different ways: involvement with general civic organizations and/or political parties, environmental causes, promoting fair and secure election laws, promoting quality and objectivity in what our children are taught in school, and scores of others. Why, then, should “social justice/equity” be singled out for emphasis? How can it be the province of the Fairfax County public school system to emphasize this one topic for collective action by students?

Moreover, assuming it is proper to urge students to take collective action against bias and injustice, who should determine what policies are unjust, and who should decide what action needs to be taken to address the problems? Is it okay for teachers to encourage students to get involved in an organization that some might deem to work for the common good but that others might deem to be divisive? Or, if legislation is proposed to allow same-day registration for voting, are teachers permitted to encourage or suggest that their students get involved in supporting the legislation? In opposing the legislation? Does “anti-racism” mean that students should be color-blind in dealing with others, or does it mean – as advocates like Ibram X. Kendi argue – that they should do whatever is necessary to achieve equal outcomes for everyone? Dozens of questions like this can be posed.

It is amazing that this important topic is ignored by the proposed Policy. The solution should be that this Board and its teachers shouldn’t be urging students to become political activists. But if this is to be permitted, it is essential that the Controversial Issues Policy establish clear guidance. Pretending that the issue doesn’t exist isn’t a solution.

8. The Proposal's Treatment of Displays in Schools Is Ill-Considered.

The Board's long-standing Policy provides that a school's principal shall determine the appropriate time, place and manner for distribution and/or display of materials about controversial issues. The revision considered by the Board's Governance Committee on March 15 would have amended this to say:

“Messages or displays in the classroom or school building intended to affirm identities (e.g., race, culture, gender identity, sexuality, or religion), including representations of diverse identities in images or texts, are not considered to be controversial”

This language was not only ambiguous (what does “affirm identities” mean?); it was also objectionable because it seemingly would have authorized students and teachers to plaster classrooms, hallways, auditoriums, bathrooms and locker rooms with dozens or hundreds of signs, which could quickly become a distraction from education. Students in classes on mathematics, chemistry, English and music could be surrounded with emotionally charged posters about race, culture, gender identity, sexuality and religion.

In the final draft approved by the Governance Committee, a bad provision has been made even worse. It now says:

“Affirming a student's identity in the classroom (e.g., race, gender, sexual identity) is not a controversial issue, nor is the mention or representation of diverse identities in texts or materials considered to be instructional about that identity. Posting of symbols that express support for students in traditionally marginalized groups is not considered controversial.”

Under this formulation, it would be okay for “traditionally marginalized groups” to cover the walls with “affirming identity” posters, but not for other students to do so, thereby injecting serious First Amendment and equal protection issues into the mix.

Under this new proposal, how should school officials deal with the following posters:

- An image of a militant African American with raised fist, and the caption “Black Lives Matter.” Or, thirty of these signs, tacked up all over the building. Do they “affirm the identity” of black students, or do they go beyond “affirmation” by including a political message?
- Signs placed next to the Black Lives Matter signs saying, “Black lives matter, but the ‘Black Lives Matter’ group is racist.” Would the permissibility of such signs depend on who posted them (okay if posted by a “traditionally marginalized” black or Asian American student, but not okay if posted by a white student)?
- Posters proclaiming, “All Lives Matter.”
- Signs saying “Asian Americans object to the School Board's discrimination against their educational opportunities.”
- Signs in girls' locker rooms saying, “This space is for girls only.”
- Images of same-sex couples kissing.
- Posters saying “Islam is the one true religion.”

It should also be noted that the revised Policy draws no distinction between elementary schools, middle schools and high schools, so these displays could be equally in the face of kindergarteners and high school seniors on a daily basis. Does the School Board really want to create this mess?

C. Conclusion

The proposed changes to the Controversial Issues Policy are vague, divisive and dangerous. The Board should reject them and should retain the Policy that has worked well for many years.

Please don't damage the fundamentals of education in your zeal to carve out a special place for instructing our children about your notions of "social justice."

Sincerely,



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