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COMMENTARY

DEI and Bias Prevention Training in Schools Is NOT Teaching Critical Race Theory But IS Critical To Ensure Respectful Treatment for All

More needs to be done, and confusion over CRT should not be allowed to interfere with DEI measures.

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Diversity

By Carole Lynn Nowicki, Beth P. Zoller, Kirsten Scheurer Branigan and Madeline C. Branigan | December 05, 2022 at 09:00 AM

Children growing up in the 1970s and 1980s in nearly all-White school districts were taught to be “color-blind”—to treat everyone the same regardless of skin color. Did that result in everyone living in peace and harmony? Absolutely not. Now, 40 years later, things have gotten worse in some cases. Failing to actively teach kids about diversity, equity, and inclusion (DEI), and treat everyone with respect and dignity, has resulted in a culture in which many fail to recognize when they engage in acts of bias.

In the wake of George Floyd’s May 2020 murder, many school districts and academic institutions released statements supporting the Black community, fully believing that racism did not exist in their own environments. What followed was a rude awakening as a flurry of responses from alumni and students of color revealed egregious racist conduct. Students and alumni shared how they had been called the “N” word and told to “go back to your country” and how teachers allowed blatant racist treatment in their classrooms. Horror stories poured in about students mistreating other students, and teachers and school administrators being complicit through inaction or engaging in it themselves.

Some schools took proactive steps by developing cultural awareness and DEI action plans, which included training on topics such as harassment and discrimination prevention, cultural sensitivity and unconscious bias awareness. Sounds like an effective method of addressing the issue, right? Well, certain school districts have received unexpected objections that confuse diversity training as a back door to teaching Critical Race Theory (CRT). CRT is a cross-disciplinary examination by social and civil-rights scholars and activists of how laws, social and political movements, and media shape, and are shaped by, social conceptions of race and ethnicity. A key tenet of CRT is that systemic racism is embedded in laws, policies, and institutions that uphold and reproduce racial inequalities.

Texas and Michigan Bias Incidents and CRT

For example, in Southlake, Texas, students posted a video of themselves using egregious racist terms. In response, the school district hosted listening sessions with parents and students, gathered numerous accounts of racist, xenophobic, and anti-gay comments, and created a diversity council aimed at making the district more welcoming and inclusive. The school board released a Cultural Competence Action Plan (Plan) in the summer of 2020 calling for mandatory cultural sensitivity training for all teachers and students K-12; processes to report, track, and address acts of discrimination; and the creation of a Director of Equity and Inclusion position. The Plan was met with strong opposition by certain parents, who claimed it was “Marxist” and “leftist indoctrination,” created a “diversity police,” and amounted to “reverse racism” against White children. These parents argued that any acts of racism were anomalies and could be dealt with through the pre-existing anti-bullying policies.

What is the problem with addressing acts of discrimination through anti-bullying policies? It is reactive rather than proactive. Rather than preventing biased conduct *before* it arises through proper training and helping students and staff members truly understand how to treat each other with dignity and respect, the school district would be forced to address problems *after* they have occurred.

Southlake was not unique. In Traverse City, Michigan, some students decided to conduct a “slave trade” of students of color over social media and created a Snapchat group including messages like “all blacks (sic) should die” and “let’s start another holocaust.” Outrage and investigations ensued, resulting in a recommendation that the students involved receive counseling and empathy training.

When the school district tried to introduce an equity resolution at a school board meeting, it faced similar obstacles as those in Southlake. The first draft of the equity resolution (Resolution) pronounced the need to create an “antiracist, anti-discriminatory, and anti-hate learning environment” in schools and commit to increased education on DEI. It also outlined six action steps, including an increase in staff training, review of the curriculum, diversification of titles in school libraries, and providing “immediate and ongoing opportunities for student learning about diversity, equity, inclusion, and belonging issues.” Those who opposed the Resolution argued that it constituted CRT. After an intense fight, a much shorter version of the Resolution passed, eliminating any references to language perceived to be CRT and the action steps.

Additionally, following George Floyd’s murder, Leland, Michigan School Superintendent Stephanie Long came under fire for sending a [letter](#) to the community regarding the “unintentional roles in white privilege” and urging residents to “examine the disparity in our experiences and the underlying reasons that have created the privilege we who are white (sic) enjoy.” The letter recommended ways to get involved and fight racism in the community. While some community members expressed support, others voiced strong opposition, calling her “a disgrace,” “a Marxist,” and “a traitor.” Additionally, she received threats and feared for her safety. “You shouldn’t leave your home,” the threats warned. “You don’t deserve to live.”

NJ’s Efforts To Address Harassment, Embrace DEI and Tackle Bias

NJ began incorporating curriculum requirements related to race, ethnicity, and anti-bullying provisions nearly 30 years ago. In 1994, NJ enacted a law requiring education on the Holocaust and genocide in elementary and secondary education. The law provides that issues of bias, prejudice, and bigotry, including bullying, through teaching of the Holocaust and genocide be included in the curriculum for all children in grades K-12. (N.J.S.A. 18A:35-28).

In 2002, the Amistad Bill required NJ schools to incorporate African American history into their social studies curricula and created the Amistad Commission to ensure that African-American history, contributions, and experiences be taught in the State’s classrooms. (N.J.S.A. 52:16A-86). Although the Amistad law had originally intended to diversify studies in schools, by 2017, it was cited that diversification had not been fully implemented.

As a result, legislation signed in January 2021 strengthened Amistad curriculum requirements by granting oversight to the Department of Education and providing financial support for its operations through a separate line item in the State’s budget. It also requires boards of education to include instruction about African American accomplishments in the building and development of America and emphasizes each citizen’s personal responsibility to fight racism and hatred and uphold national ideals of freedom and justice. (N.J.S.A. 52:16A-87; N.J.S.A. 18A:35-4.43).

September 2021 law established the “Amistad Commission Exemplary Award Program” aimed at identifying outstanding educators who have shown a commitment to furthering student knowledge on the African slave trade, slavery in America, the vestiges of slavery in this country and the contributions of African Americans to our society. (N.J.S.A. 52:16A-88.1).

Additionally, the NJ Anti-Bullying Bill of Rights Act (ABR), enacted in 2011, created a comprehensive scheme for reporting, investigating, and responding to bias-based student harassment, intimidation, and bullying in NJ’s public schools. It covers all protected categories under the NJ Law Against Discrimination (LAD) and more. (N.J.S.A. 18A:37-13 to 17; N.J.S.A. 2C:16-1). Under the ABR, school districts must: provide training on their harassment, intimidation, or bullying (HIB) policies to school employees (full and part time), volunteers, and contractors who have significant contact with students or service students; train on the prevention of bullying related to LAD-protected categories and other distinguishing characteristics that may incite incidents of discrimination or HIB; and develop a process for discussing the district’s HIB policy with students. (N.J.S.A. 18A:37-17).

In 2018, NJ enacted a law requiring school districts to include instruction and adopt instructional materials that accurately portray the political, economic, and social contributions of persons with disabilities and lesbian, gay, bisexual, and transgender people. (N.J.S.A. 8A:35-4.35).

Starting in the 2021-2022 academic year, NJ school districts have been required to provide instruction on DEI in an appropriate place in the curriculum of students in grades K-12. The goal is to highlight and promote diversity, including economic diversity, equity, inclusion, tolerance, and belonging in connection with gender and sexual orientation, race and ethnicity, disabilities, and religious tolerance. (N.J.S.A. 18A:35-4.36a).

In 2022, NJ enacted a law requiring school districts to provide instruction on the history and contributions of Asian Americans and Pacific Islanders in an appropriate place in the curriculum of students in grades K-12. (N.J.S.A. 18A:35-4.44).

Additionally, a recently introduced Assembly bill (A6089) would require new teachers seeking certification to complete a course or training on anti-racism in education.

NJ's Bias Incidents, De Facto Segregation, CRT Legislation

Although NJ has adopted various legislative measures, there is still room to take further action to protect marginalized students against compromised positions. School should be a safe space for all. However, racist incidents continue to occur in NJ classrooms. Incidents range from graffiti and social media posts containing hate speech and promoting violence against Black people to teachers' acts of isolation and discrimination against students of color and racist ideology rants. Students have also been heckled and racially profiled from opposing teams during sports games.

A 2020 Report, entitled "An Anti-Bias Vision for the Next Generation, Report and Recommendations by the New Jersey Interagency Task Force to Combat Youth Bias" (Youth Bias Report), cited that, far too often, students are still subjected to bias incidents in NJ schools. For example, 25% of all reported bias incidents occurred in K-12 schools. Among the incidents reported with known offenders in 2019, children and young adults accounted for 56% of known offenders and nearly 50% of the victims. Since bias incidents often go unreported, these numbers likely represent only a small fraction of the actual incidents involving youths. The Youth Bias Report summarized bias incidents that had been reported, which included a student posting a racist video on TikTok comparing Black men to chimpanzees, a swastika found etched in a classroom wall, and a noose found hanging in a high school bathroom.

Additionally, despite NJ's diversity in the State's overall population, de facto segregation persists in NJ public schools. A 2017 study, "New Jersey's Segregated Schools Trends and Paths Forward," found that NJ was ranked the *sixth highest* state in the segregation of Black students and *seventh* as to Latinos. It further highlights that, while Black and Hispanic students tend to be segregated in the more urban areas of NJ, the White and Asian populations have isolated themselves in many of the suburban and rural areas across the State. A pending lawsuit filed in May 2018 seeks to make it unlawful to assign students to public schools based on where they reside, arguing the practice continues to perpetrate segregation.

On a local level, NJ school boards are not immune to the CRT debates with assertions that DEI and cultural awareness measures are really the CRT "boogeyman." Moreover, in the past year, legislation has been proposed that aims to prohibit the teaching of CRT in NJ public schools and prohibit public school teachers from engaging in political, ideological, or religious advocacy in their classrooms. (S4166/A6136). Although the measure has been forecasted by the NJ Democratic Senate Majority as unlikely to pass, there is still intense disagreement and debate over the amount of say parents should have in the education of their children.

NJ's Path Forward

While NJ has comprehensive laws addressing DEI on the books with respect to school curriculum requirements, compliance is critical. Since acts of discrimination and bias continue to occur in NJ schools, significant work is still needed to impact meaningful change in the understanding and behavior of students, parents, teachers, and administrators.

A deeper level of education needs to occur on DEI topics, cultural awareness, and unconscious bias. Given the local nature of school boards, decisions on how to improve DEI will vary widely among districts, while misinformation about CRT continues to be perpetuated.

NJ needs to remain vigilant in preventing and remediating harassment, discrimination, and retaliation under the LAD (and commensurate federal laws) for both students and staff. Among the measures needed is the enactment of a pending bill that would bolster and clarify employer obligations under the LAD by requiring clear written policies, live and interactive training for all employees, and prompt corrective action. (S2840/A1691).

It is unacceptable to address biased conduct on a case-by-case basis and only after a student has been scarred by the mistreatment and the wrongdoer is facing serious repercussions related to the conduct. When this type of conduct goes unchecked, many students are left feeling disenfranchised, unsupported, and ostracized.

DEI measures, including training on the topics of bias and harassment prevention, cultural awareness, and unconscious bias are designed to increase awareness so that our children and educators understand the effect their actions can have on others and avoid repeating the same conduct. However, more needs to be done, and confusion over CRT should not be allowed to interfere with DEI measures. We do not want to look back 40 years from now and realize that we missed the chance to make an important, necessary, and impactful improvement on the future. It is up to all of us to ensure that everyone is treated with dignity and respect and to recognize that change needs to begin right now.

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