

You CAN Do It

How to Comply with
Anti-CRT Mandates and
Still Make Educational
Equity a Priority



Presenters



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Knowledge Check



1. Are student achievement and positive student outcomes the central focus of the work of school boards?
2. Do achievement and opportunity gaps exist in every school and in every district?
3. Are school boards responsible for setting the expectations and making decisions that support educators in closing opportunity gaps?
4. Do school boards need to have trusting and collaborative relationships with the communities they serve?



Knowledge Check

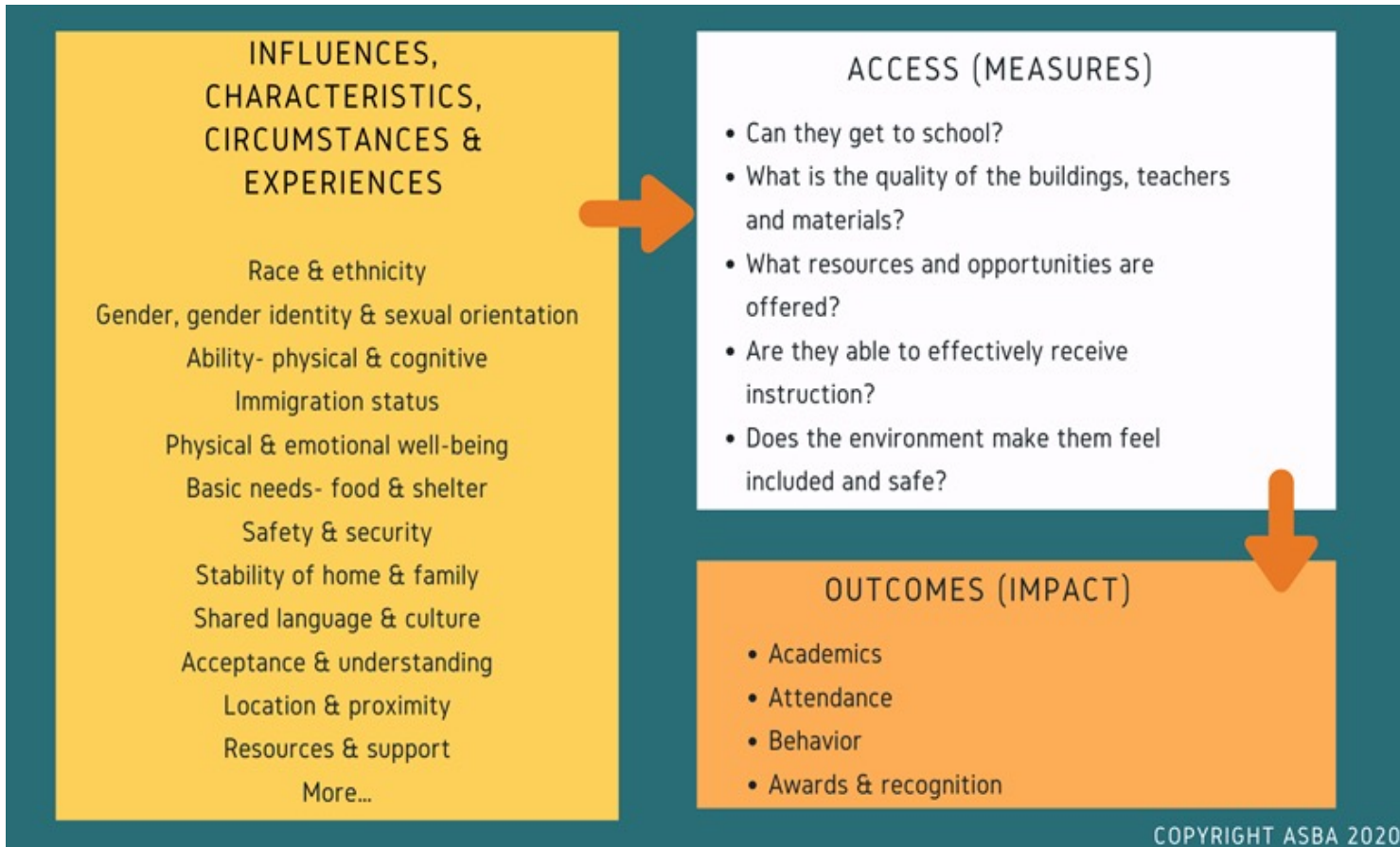


These are commonly referred to
as the foundational premises of:

Educational
Equity



Equity Is About More Than Race





Be on the Lookout

Educational Equity as a philosophy simply means being **self-aware enough – individually and organizationally** - to look for signs that some students may need different or extra supports to achieve the outcomes you desire for them.

As leaders, when we see those signs, we need to ask ourselves WHY certain students are struggling, WHAT can we do to assist them, and HOW we will hold ourselves accountable for doing that.

But Isn't talking about race and ethnicity racist?

It might be uncomfortable, but it's not racist. The politics of this moment have focused discussion of equity primarily on race because it is polarizing.

Equity is about **ACCESS to the same benefits and outcomes for all students**. Race and ethnicity are just one of many factors to consider.

WHAT IT IS AND WHAT IT ISN'T

EQUITY IS...

- Believing that each and every student is capable of success
- Recognizing that students have different strengths and needs
- Acknowledging that opportunity and resulting achievement gaps exist
- Working to ensure every student has what they need to be successful

EQUITY ISN'T...

- Believing that one group is innately "bad" or oppressive
- Watering down expectations for any group of students
- Focused on blaming or shaming
- Taking from some to give to others.
- Punishing or penalizing White students/teachers/families

Arizona is not alone.



Main Issues

- What can students be taught related to race, ethnicity and gender (sex), including the content of materials provided?
- What professional development can district staff engage in to continuously improve instruction in those areas?
- How does this impact your pursuit of excellent outcomes for every student (equity) broadly as a district and the training and work that entails?

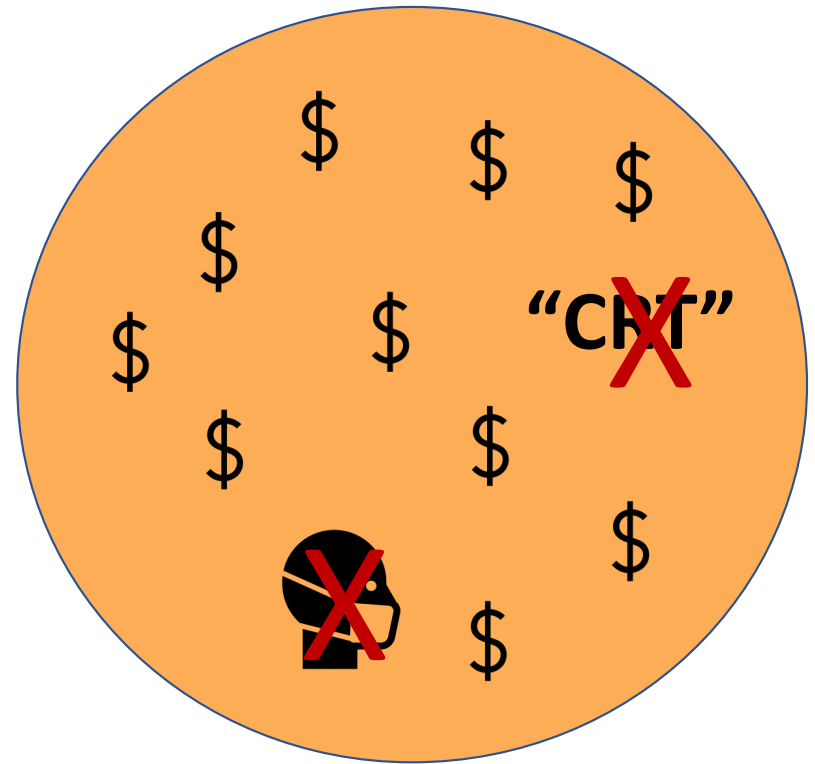


A.R.S. 15-717.02: NOT IN EFFECT AS OF THIS WEBINAR!

- ASBA et. al won its lawsuit against the State this week.
- Maricopa County Superior Court Order: HB 2898, which included A.R.S. 15-717.02, **was improperly enacted.**
- The Bill violates the Arizona Constitution.
- Thus, A.R.S. 15-717.02 (among other non-budget laws included in HB 2898) is **void.**

VIOLATES THE SINGLE-SUBJECT RULE

- Passed as part of a budget bill, but it doesn't have anything to do with the budget.
- The Arizona Constitution prohibits that.
- The content of the bill was not the issue the court looked at.



YESTERDAY: STATE APPEALED

- On 9/28/21, the State filed an Emergency Motion to Open an Appeal with the Arizona Court of Appeals.



TODAY: STATE'S REQUEST FOR A “STAY” DENIED

The Superior Court, Court of Appeals and State Supreme Court denied the State's request for a “stay”, so the law remains VOID for now.



TODAY: STATE ASKS AZ S. CT. TO TAKE THE CASE

The State filed a Petition today to transfer the case from the Court of Appeals to the State Supreme Court.





RESURRECTION BY THE LEGISLATURE?

- If the law is voided by the courts, the legislature could attempt to pass the same law during the next legislative session.
- Issue: Will there be enough votes for it to pass?



Throughout This Presentation...

The law DOES NOT prohibit the exploration of historical events from various perspectives, or the examination of differing opinions within the context of academic instruction.

Likewise, the law DOES NOT prohibit continuing to use an equity lens or approach to improve student outcomes.



A.R.S. 15-717.02: WHO IS COVERED BY THE LAW

- School Districts (pre-K – 12)
- Charter Schools (pre-K – 12)
- Their teachers
- Their administrators
- Their other employees
- State agencies involved with them



A.R.S. 15-17.02.B: PROHIBITION ON EXPENDITURES

Covered entities are prohibited from using public monies for instruction that presents any form of blame or judgment on the basis of:

- Race (R)
- Ethnicity (E)
- Sex (S)



A.R.S. 15-717.02.B: PROHIBITED INSTRUCTION

Covered entities are prohibited from providing instruction in or making part of a course the following concepts:

1. One R, ethnic group (EG) or S is inherently morally or intellectually superior to another R, EG or S;



A.R.S. 15-1717.02.B:

PROHIBITED INSTRUCTION (cont'd)

2. An individual, by virtue of the individual's R, E or S is inherently racist, sexist or oppressive, consciously or unconsciously;
3. An individual should be invidiously discriminated against or receive adverse treatment solely or partly because of the individual's R, E or S;



A.R.S. 15-717.02.B:

PROHIBITED INSTRUCTION (cont'd)

4. An individual's moral character is determined by the individual's R, E or S;
5. An individual, by virtue of his/her R, E or S, bears responsibility for actions committed by other members of the same R, EG or S;



A.R.S. 15-717.02.B:

PROHIBITED INSTRUCTION (cont'd)

6. An individual should feel discomfort, guilt, anguish or other form of psychological distress because of his/her R, E or S;
7. Academic achievement, meritocracy or traits such as hard work ethic are racist or sexist or were created by members of a particular R, EG or S to oppress members of another R, EG or S.

A.R.S. 15-717.02.C: LEGAL OPINION OPTION

A public school may have its attorney seek a legal opinion from the County Attorney or Attorney General as to whether a proposed use of school resources would violate the law.



A.R.S. 15-717.02.D: DISCIPLINE FOR TEACHERS WHO VIOLATE THE LAW

A teacher who violates the law shall be subject to disciplinary action, including:

- Suspension of certificate
- Revocation of certificate

as the State Board deems appropriate.



A.R.S. 15-717.02.E & F: LAWSUITS / PENALTIES

- The Attorney General or County Attorney may file a lawsuit against a school district / charter school / agency to enforce the law.
- For each violation, including subsequent or continued violations, a court may impose a civil penalty of up to \$5,000.00.

A.R.S. 15-717.02.G: TRAINING ON SEX HARASSMENT / LESSONS ON ABUSE PERMITTED

- The law does not preclude training on sexual harassment or lessons on recognizing and reporting abuse.

Other Statutes Relating to K-12 Instruction

- A.R.S. 15-701 and 15-701.01: Academic standards for K-12.
- New A.R.S. 15-701.02: Instruction on the Holocaust and other genocides at least 2x between 7th – 12th grades.
- A.R.S. 15-712.01: Instruction on dating abuse.
- A.R.S. 15-717: American history and heritage.

Other Statutes Relating to K-12 Instruction (cont'd)

- A.R.S. 15-730: Parent access to instructional materials.
- A.R.S. 1-601: Parents' rights protected.
- A.R.S. 1-602: Parents' bill of rights (commonly raised by parents but not appropriately).



Unanswered Questions / TBD

- How much of a “chilling effect” will this have on teaching?
- Is “critical thinking” by students allowed?
- How are teachers to respond to student questions and discussion?
- How much time will be spent defending claims brought under the law?
- Will the State Board act against teachers?





Unanswered Questions / TBD

- What will the policy and practice be for staff discipline by the district?
- What does the law mean for use of currently owned materials? Future purchases?





Unanswered Questions / TBD



Is the law vulnerable to a constitutional challenge?





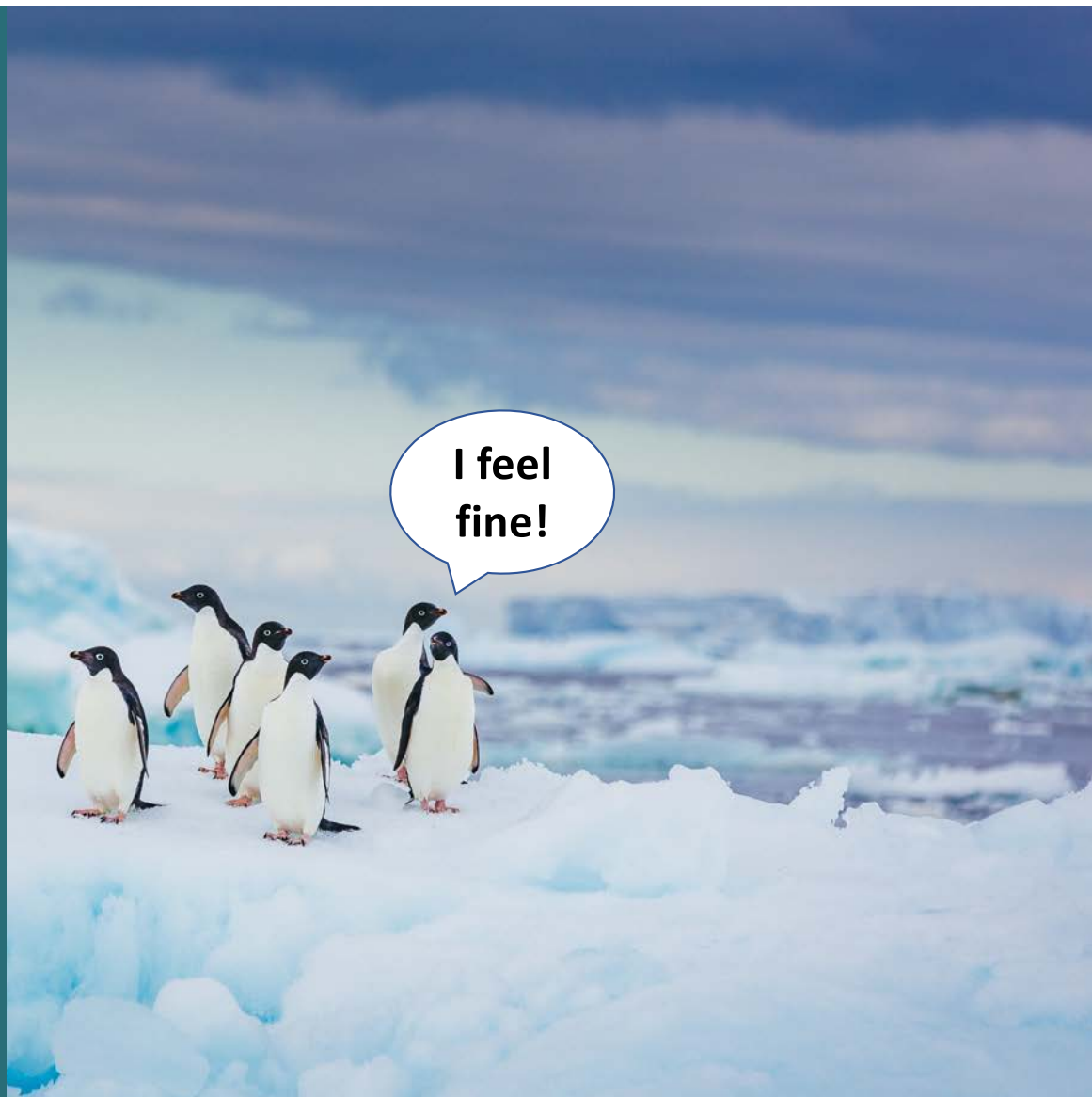
NEW A.R.S. 41-1494: PROHIBITED TRAINING FOR PUBLIC EMPLOYEES

- Prohibits state public employers from requiring employees to engage in training, orientation or therapy that presents any form of blame or judgment on the basis of R, E or S.
- Prohibits use of public monies for the same.
- Defines “blame or judgment” as set forth in A.R.S. 15-717.02.

Is it chilly in here?

- What impact will A.R.S. 41-1494 have on staff / administrator / board member attendance at conferences and trainings?
- What impact will both of these laws and the political climate that led to them have on school boards who are currently working toward educational equity – and those who want to?





The law DOES NOT
prohibit using an
equity lens or
approach to improve
student success.

Equality



Equity



EXAMPLES OF EDUCATIONAL EQUITY

- Review of student data disaggregated by populations (race, gender, sp.ed., homeless, etc.)
 - Title I funds
 - Differentiated Learning Strategies
 - Access to gifted / honors / A.P. courses
 - Social Emotional Learning (e.g. emotion/behavior regulation and communication strategies)
 - Technology grants
 - Library books with diverse main characters
 - Protocols that require student/family voice
 - Gender-neutral dress codes
 - Clothing and food closets
 - McKinney Vento
 - More...
- 

You can... **DIG INTO DATA**

Being aware of the different groups your district serves and in what proportions is foundational knowledge for equity-focused discussion and decision-making. Also important is data around outcome and access measures for these groups.



You can...

Decision-Making Equity Lens

Equity Lens

**When making decisions, problem solving and taking action,
utilize the following questions:**

- Does this decision align with the District mission/vision?
- Whom does this decision affect both positively and negatively?
- Does the decision being made ignore or worsen existing disparities or produce other unintended consequences?
- Are those being affected by the decision included in the process?
- What other possibilities were explored?
- Is the decision/outcome sustainable?

FROM NORTH CLACKAMAS SCHOOL DISTRICT

You can...

BUILD EQUITY IN ALL AREAS



Vision



Understanding



Engagement



Action



Accountability

You can...

BUILD YOUR CAPACITY TO LEAD

Build your individual and leadership team capacity in all these areas through professional development about educational equity.

- Webinars
- Workshops, conferences and events, including the Equity Event
- Engage as a board team in ASBA's Leading for Equity curriculum.





Unanswered Question

Can the topic of implicit bias be part of the PD if it is paid for with district funds?



Covered entities are prohibited from providing instruction in or making part of a course the following concepts:... 2) An individual, by virtue of the individual's R, E or S is inherently racist, sexist or oppressive, consciously or unconsciously;



Remember... Focusing on gaining deeper understanding by building authentic connections with the many communities you serve is never wrong.

And in the process, preconceived ideas may be erased or diminished.



DEFINE EQUITY WITHIN YOUR COMMUNITY

Developing a shared districtwide definition and a common understanding will help you shape your vision for the future.

**You can AND
you will need to...**



Resources

Educational Equity and Critical Race Theory-What You Need to Know

A brief description distinguishing educational equity from critical race theory.

[Educational Equity and Critical Race Theory](#)

Equity In a Divided Community

Tips for leaders navigating educational equity in a divided community.

[Equity In a Divided Community: Leadership Tips](#)

Public Participation at Governing Board Meetings

Best practices to promote fair and orderly public participation.

[Public Participation at Governing Board Meetings](#)

[**azsba.org/equity-in-a-divided-community/**](https://azsba.org/equity-in-a-divided-community/)

DISCLAIMER

- This presentation is not intended as legal advice or opinion relative to specific matters, facts, situations or issues.
- Please seek legal advice as needed from your school district's attorney.

