

LEGAL ISSUES WITH CRITICAL RACE THEORY-BASED CURRICULA

- **Viewpoint Discrimination** -- The teacher and curriculum should be “even-handed.” Teacher’s actions are legally suspect if they are using their position of power and authority to promote their own personal view on controversial or sensitive issues.
 - Is the teacher or curriculum discouraging students from considering alternative or competing viewpoints?
 - Is the curriculum or teacher failing to consult reputable, neutral, independent, and varied sources to find and present accurate opposing views?
 - Is the teacher treating students who adhere to different viewpoints disrespectfully?
 - Are students penalized for having a different point of view?

- **Compelled Speech** -- The curriculum and teacher should allow free belief and thought from students. So while the curriculum may teach ideas that are contrary to the values or beliefs of a student, it cannot force a student to affirm, profess, reform, or unlearn ideas contrary to their personal beliefs.
 - Is the course mandatory?
 - Are the questionable assignments or exercises mandatory?
 - Does the curriculum or teacher instruct students to abide by an ideology?
 - Does the course forbid students from open disagreement or shut down discussions if students disagree?
 - Are students forced to affirm ideas they disagree with?
 - Are students forced to personalize the curriculum by labeling themselves or others?

- **Labeling and Identity Confession Exercises** -- CRT uses categorizations or labels as part of a framework for understanding American society. As such, courses incorporating CRT often ask students to label themselves or others according to race, gender, sexual identity, or religion. These labels can create a hostile environment and be a violation of Title VI and Title IX.
 - Are students forced to label their own race, sexuality, gender, or religion as part of a mandatory class or assignment?
 - Are students forced to discuss their race, sexuality, gender, or religion as part of a mandatory class or assignment?
 - Are students forced to associate certain races or religions with oppression or privilege?
 - Does the teacher label certain races, sexualities, sexual identities, genders or religions as “oppressive” “oppressors” “privileged” or “victims.”

- Disruption and Notification to parents --
 - Is your child under the age of 18?
 - Is the instruction/curriculum inappropriate for the age of the students?
 - Is the instruction/curriculum inflammatory or disruptive to learning in the classroom or school?
 - Did the district or teacher fail to notify parents of highly controversial or sensitive material related to sexuality in the curriculum?
 - Did the district or teacher fail to make highly controversial or sensitive curriculum related to sexuality available for parents to review?

If you answered **yes** to some or many of the above questions, your school district and/or teacher may be crossing a constitution line and you may be entitled to relief. What are your next steps?

- Try to save written records of the above “yes” answers. For example, if a homework assignment requires a student to share and label their race, gender, sexual identity, or religion, save the assignment.
- Save written communications from the teacher, staff, or administrators at the school regarding the above “yes” answers.
- Consider contacting the teacher and administration, in writing, expressing your concerns about the curriculum. You may want to seek legal advice before doing so.