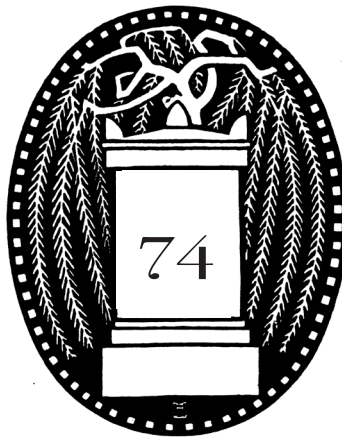


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Wobbling on the Razor's Edge: A Review of Literature Examining How Teacher Preparation Programs Can Teach Diversity, Equity, and Inclusion in States with a Hostile Climate

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At Issue

In the late 1990s when one of the authors taught in special education at an inner-city public school, a co-worker wrote her master's thesis on the benefits of sterilization of the intellectually disabled. Although history has all but buried evidence of U.S. sterilization laws—at least 31 states passed such legislation—some sterilization laws remain on the books to this day (National Women's Law Center, 2022). But involuntary sterilization was not limited to those with intellectual disabilities. The sterilization of Native-American women during the 1970s at the Indian Health Services hospital in Claremore, Oklahoma was so pervasive that it is now estimated that for every four babies born, at least one woman was involuntarily sterilized (Ordovery, 2003). Clearly this shocking practice is not confined to ancient history, so our failure to understand the ramifications of these abhorrent, involuntary practices raises the opportunity for discriminatory practices to continue. Although teachers are not in a position to cause the terrible physical harm these doctors caused, they nevertheless carry the burden and responsibility of causing emotional harm and mental duress.

Teaching about the history of discriminatory practices is critical in teacher preparation programs as classroom teachers influence how students think about and treat students of color and students with intellectual or physical differences. Decades of educational research demonstrates how children of color, for example, are disproportionately disciplined at a higher rate than their white peers (Samimi, Jefferson, Flanagan, & Anyon, 2023). Therefore, teaching how to recognize and navigate racial, gender, and socioeconomic constructs at work in schools which can silence the voices of some students is of vital importance for teacher preparation programs. To accomplish this, we argue, teacher educators need critically to teach curricula focused on Diversity, Equity, Inclusion, and Accessibility

(DEIA). The ramifications of not doing so, we posit, affect not only students, but affect teachers' ability to contribute to a socially, culturally, and economically just society. Since both authors reside and teach in states that Kelleher (2022) documents have established legislation to prohibit the teaching of certain DEIA content, we thought it important to document how some teacher educators wobble on the razor's edge between university-mandated DEIA standards and their states' silencing of teacher speech and curriculum through the use of educational gag orders (EGOs), specifically focusing our work on how our teacher education colleagues navigate these treacherous waters. We construct this paper to provide the research context for our empirical work with teachers, currently ongoing.

Overview

In this paper, we provide a review of the literature constructed to illustrate what materials are available to teacher educators navigating the ambiguities between their institutions' DEIA policies and states' EGOs. We seek to understand how, in spite of legal prohibitions, teacher educators might still teach to dismantle racial injustice in those states currently under legislation to censor teacher-educator voices without imperiling their livelihoods. It seems inconceivable to us that faculty in teacher preparation programs are mandated by their universities to note diversity and difference among their students and promote a culturally based curriculum that will be effective for all students while simultaneously adhering to their state's educational gag orders. In having what Hess and Noguera (2021) call "courageous conversations" (p. xi), we learn that avoiding these conversations is sometimes neither possible nor desirable. In what they describe as the functions of schools, they state the three functions of education are "social, economic, and political" (p. 8); they maintain it is not possible for teacher educators to avoid these functions. Sometimes it feels there is an overabundance of hate, misunderstanding, anger, or snippy platitudes instead of real, in-depth, and meaningful discussions about difficult issues, however, courageous conversations are indispensable. As teacher educators, we try to provide space to have those conversations necessary to live, work, and compete in a diverse society, but how is this possible when we are forbidden, sometimes by threat of prosecution or job loss, to say certain words or ask about a person's feelings? In his influential work about poverty and equity, Gorski (2018) lays out the difference between an empty conversation about difference and one that is robust and productive. He elaborates the first step in a critical conversation is to be able to name the problem, which requires educators' specific knowledge and skills to identify and challenge bias and deficit thinking. However, how are *courageous conversations* and open discussions of difficult political topics possible in a culture that punishes teacher educators for enacting DEIA curriculum?

Considering this political context, our paper therefore is designed to function as an initial step in our research on how teacher educators respond to educational gag orders. We first present current definitions and understandings of DEI and educational-gag-order laws, we then discuss the reasons for and challenges of teaching DEI. Next, we review the literature on gag-order laws that could be used to understand how teacher educators navigate such laws, and, finally, we discuss what we recommend in terms of theory to help teacher educators with decision-making and a discussion of our subsequent empirical research.

Research Questions

Education seems to us to be an epicenter for the current culture war because, according to Rogers and Kahne (2022), politicians have exploited the current political conflict further to split the electorate by injecting partisanship into political topics in which many individuals and communities have a stake. We seek to answer the following questions:

- How can teacher educators educate pre-service regular and special educators critically to teach about the politics of race, gender, ability, and socioeconomic status in states with EGOs?
- How do teacher educators adhere to university DEIA initiatives when state EGOs are at play?
- How do teacher educators reconcile the difference between the requirements to teach DEI content and the fear of their state's educational gag orders?

Diversity, Equity, Inclusion, and Accessibility (DEIA) in Teacher Education

The American Association of Colleges for Teacher Education (AACTE), which represents over 800 postsecondary teacher-preparation institutions, proclaims DEIA as one of its core values (AACTE, 2023). AACTE recognizes the struggle of teacher educators to engage in honest, robust conversations about diversity at all levels. The association has developed the Educating for American Democracy Initiative, which promotes a framework in which teacher educators teach pre-service teachers to instruct in history and civics. The AACTE proposes to incorporate their framework in all subject areas and grade levels to interrupt “historical tensions and the polarization of current topics deemed essential to a well-rounded, inclusive civic education [which] has created hesitance for teachers, especially those just entering the classroom, to engage students in civic inquiry” (para. 3).

Likewise, the National Association of Colleges and Employers (NACE, 2021) represents over 14,000 college and higher-education career professionals. In their annual DEIA report for 2021, they express their

commitment to diversity, equity, and inclusion as a cornerstone of the organization. Their strategic goals are solidly ensconced in development of and engagement in creating opportunities for diverse learners and their commitment to anti-racist research. DEIA initiatives in higher education have designed myriad educational opportunities, not just for people of color, but for people with different abilities, veterans, the LGBTQ+ population, and adult learners.

Educational Gag Orders (EGOs)

At the time of our writing, certain speech is increasingly challenged, in particular in higher education. For example, in a recent Oklahoma governor's State of the State address he decried, "...when we send our kids to college, we expect our tuition to pay for their education, not their indoctrination! I want our universities to have less DEI officers and more career placement counselors" (oklahoma.gov, 2023). What the governor does not mention is that for a teacher preparation program to be certified by the Council for Accreditation of Educator Preparation (CAEP) this body requires its pre-service teachers exhibit a knowledge of diversity (CAEP, 2022). In addition, to ameliorate the nationwide teaching shortage universities are expected to recruit and retain a culturally, racially, and linguistically diverse student population (USDOE, 2023). These mandated requirements become difficult to achieve if admissions officers and faculty do not understand the unique needs of under-represented populations who have traditionally not pursued higher education such as people of color, people with disabilities, adult learners, and veterans.

In Texas, Governor Greg Abbot has taken Governor Stitt's words even farther. Senate Bill 17 legislates state universities must close their offices of diversity and cease all diversity training within six months. This marks Texas as the second state behind Florida to enact such legislation (Fortinsky, 2023). Even universities' hiring practices must be made color- and gender-blind. "We call it division, inequity, and indoctrination. The DEI office name is a misnomer.... We feel like it's purposely being misused, to push a very woke very liberal agenda" (Chandler, 2023).

Florida, Oklahoma, and Texas are not the only states legally imposing educational gag orders on public education. Several other states are considering similar measures to eliminate DEI offices in public universities (Kellerman, 2023). The script for such legislation was drafted and disseminated by The Manhattan Institute, authored by senior fellow Christopher Rufo (Rufo, Shapiro, & Beienburg, 2023), meant to eliminate DEI offices and prohibit the training of faculty and staff to identify systemic racism. Elimination of DEI offices in public universities is likely to decrease the recruitment of underserved minorities. The American Association of University Professors (AAUP) has issued several statements in opposition to state gag orders. The AAUP evidences over 500 anti-CRT

bills (allegedly pertaining to the teaching of “critical race theory”) have been filed with over 200 local, state, and federal entities (AAUP, 2023). PEN America (Friedman & Tager, 2023), a 100-year-old organization dedicated to freedom of expression and free speech, reports 15 states currently have enacted legislation to restrict teaching about racism, race, and gender issues. We argue that without learning such knowledge in the classroom, it becomes more difficult for students to understand the power dynamics of race- and ability-based inequities.

We see educational gag orders as popular with some segments of the public because of the fear students will be indoctrinated with certain political and social ideologies that stand in opposition to their families’ values. Acknowledging that parents and students should have a voice in the curriculum, we point to what some literature reveals about people’s fear respective to DEI that its critics raise. How can educators, parents, and students find common ground and allay fears? How can we listen to one another respectfully in a highly partisan political moment? Are there genuine concerns that can be discussed, or are we dealing with simply another example of a moral panic? Starting with a review of the literature seems to be the prudent approach to establish a foundation for further discussions of these concerns.

Teaching DEI

The process of teaching about diversity can be uncomfortable for individuals in advantaged groups. Gay (2015) reports it challenging for educators from advantaged backgrounds to teach in a culturally responsive manner if they do not first understand their own culture and the cultural differences of others. She elaborates that, often, “Students don’t know as much as they need to about their own cultures, histories, and heritage” (p. 124). Additionally, much of what students think they know and understand about other cultures is often overshadowed by deficit thinking. However, acquiring a cultural knowledge base about under-represented groups is not alone enough to make change. Teachers will need to translate their acquired knowledge into culturally relevant, equitable curriculum. Culturally responsive teaching is intended to prepare learners for thoughtful participation in society.

Faculty in teacher preparation programs must be equipped to guide their students through the difficult process of understanding oneself in relation to their race, gender, and socio-economic position, particularly the influences of deficit thinking in many American classrooms. This can be an onerous and painful journey for members of advantaged groups who have never been challenged about the perspective of others from marginalized populations and how current educational practices can work to keep their voices silenced. For example, Castagno (2013) posits that a mere awareness of race, culture, and racism is insufficient for challenging

societal norms of whiteness. Sociologist Ruth Frankenberg (1993) points to the difficulty of even recognizing race given that, “Whiteness is even difficult for white people to name. Those who are securely housed within its borders usually do not examine it” (pp. 228–229). Educators in PK–12 classrooms must be taught to recognize and address racial differences in order to create equitable learning environments that respect and support the diverse backgrounds of all students. Ellerbrock and Cruz (2014) delineate five stages of diversity awareness and identity development: naïveté/pre-awareness, bombardment, dissonance/resistance, adjustment/redefinition, and, finally, acceptance/internalization. Often, the greatest difficulty in relation to multicultural awareness is that such teaching does not lead students through the entire five stages, nor does it always progress through each stage completely. Contributing to this challenge is that not all people go through these stages at the same time, and conflict may arise when people are not in the same stage of awareness. Therefore, when teaching concepts related to cultural awareness, it is critical to create open, safe places and to use examples and activities found in real-world situations. Continuous self-reflection such as “providing opportunities to reflect on their own thoughts, perceptions, and feelings regarding self and others” (p. 23) is critical to challenging deficit thinking. Additionally, Howard (2010) reminds us that an examination of our own racial identities and biases can be challenging because it is only through critical reflection that a person can travel this difficult journey. Teacher educators will need to help students along this path in a respectful and sensitive manner. They must not shy from teaching students about the U.S.’s history of exclusion in schools or about institutional constructs that reinforce deficit thinking.

Method

We utilized a literature review method (Grant & Booth, 2009) aimed at identifying the current state of a theme or method in the research literature, in this case how university faculty navigate contradictions between state EGOs and university DEIA initiatives, to answer chosen research questions and in order to assist in building a foundation for faculty in teacher education to navigate the obstacles in teaching DEIA under threat of EGOs. Such a methodology allows us to build on its foundation our empirical work (Zawacki-Richter, Kerres, Bedenlier, Bond, & Buntins, 2020).

We restricted our parameters to a 5-year period from 2018–2023. We chose this range because this is not a new problem within education, and we wanted to include historical data. We focused solely on research conducted in the U.S. We specifically looked for literature that discussed ways to navigate teaching about DEIA considering EGOs. Therefore, we focused on higher education pedagogy for teacher educators in areas including the health field and PK–12 education. Exclusion criteria included: books, book chapters, dissertations, theses, meta-analyses, and systematic

reviews of literature. Included and excluded articles were agreed upon, and discrepancies were settled through discussion.

Discussion

The majority of identified articles discuss the phenomenon of educational gag orders or decry attacks on academic freedom. Few authors presented strategies on how to continue teaching about DEIA in light of EGOs, limiting our initial search results considerably. In the second stage of our review, we excluded articles not directly related to higher education. During our final review we also eliminated studies that discuss the problem of educational gag orders but did not give concrete advice on how to continue teaching DEIA principles under the shadow of limiting legislation. Once these new parameters were in place, only six articles remained. While there is much literature about EGOs and opinions about the harm they inflict on our education system, there is scant research that assists instructors in how to navigate the dangers of a gag order while teaching about DEIA. Likewise, there is quite a bit of material about the culture wars and the concept of “wokeness” as a pejorative. Those excluded articles discuss the problem and articulate a history of dangers but do not offer concrete assistance to teacher education faculty who find themselves caught between EGOs and university mandates to teach DEIA.

Date	Citation	Key Words
2022	Morgan, H. (2022). Resisting the movement to ban critical race theory from schools. <i>The Clearing House: A Journal of Educational Strategies, Issues and Ideas</i> , 95(1), 35–41.	Critical Race Theory; culturally responsive teaching; inequalities in education; ethnic studies; classroom environment; curriculum; culture
2022	Moore, J. (2022). Assaults on freedom of speech: Why social studies must defend the First Amendment. <i>The Social Studies</i> , 113(1), 30–49.	Free speech; First Amendment; censorship; democracy
2022	Morton, T. S. M. (2022). Separate and unequal again: The disparate impact Texas gag orders may have on Texas's second-oldest institution of higher learning. <i>AJUP Journal of Academic Freedom</i> , 13, 1–15.	The potential effects of Texas gag orders on Prairie View A&M University faculty, students, and the successful BGLOBAL program
2022	Ward, L. W. (2022). The real “Boogysman”: How white legal logic is used to create educational gag order laws in US higher education. <i>Philosophy and Theory in Higher Education</i> , 4(3), 13–27.	Critical Race Theory; educational gag order laws; white legal logic; anti-CRT bans
2023	Caradonna, C. Y. (2023). Tugging at the veil: Critical race methods for analyzing educational gag orders. <i>Cultural Studies ↔ Critical Methodologies</i> , 23(4), 403–412.	Critical Race Theory; ethnicity and race; qualitative evaluation and social policy; qualitative research; methodologies; counternarrative; methods of inquiry; politics and culture
2023	Ehrlich, O., Izumi, S. S., Bigger, S. E., & Johnson, L. A. (2023). Gag order laws threaten nursing education and health equity. <i>Journal of Professional Nursing</i> , 46, 27–30.	Nursing education; legislative gag orders; academic freedom; professional autonomy; health disparities; health equity

Table 1: Final articles for review (marked with * in our bibliography)

Free Speech, First Amendment Rights, and Censorship

The six remaining articles reviewed are position papers discussing the need for teaching about diversity considering educational gag orders, and all give examples and strategies used by instructors who continue to teach critically. Caradonna (2023) posits that educators, students, and politicians from both extremes of the partisan political spectrum as well as the groups

they belong to may believe they are entitled to prevent others from voicing ideas they consider offensive or perceive as a threat to their interests or power. Despite this thinking, hate speech codes—defined by Moore (2022) as having no legal definition but that act to regulate or restrict offensive or intolerant words—are often the result of genuine attempts to prevent harm to minority groups who in the past have been hurt by racist, sexist, transphobic, and anti-immigrant speech and actions. Calling out what some call hate speech can limit discrimination and prejudice and function as a defense against white-supremacist ideas. However, even with the best of intentions, labeling someone else's words as "hate speech" can lead to censorship; that is, using intimidation and control of independent thought may amount to censorship, silencing and thoughts and ideas opposed to one's own.

Speech codes are closely related to freedom of expression and speech protected by the U.S. Constitution's First Amendment. Students and educators have the right to express ideas freely and to acquire new knowledge, although, of course, free speech does not mean speech is free of consequence. The First Amendment protects people's rights to voice opposing political and social opinions, values, and ideas (Ehrlich, Izumi, Bigger, & Johnson, 2023; Moore, 2022). As Moore chronicles, teachers must never allow their personal political beliefs to silence the First Amendment rights of their students. This is especially true in social studies and the social sciences where freedom of expression is crucial because many times, political opinions expressed in the course of classroom discussions will be unpopular and controversial, but without the freedom to state such opinions without fear of retribution, learning ideas other than one's own becomes difficult, as does education on civic actions meant to improve the lives of others.

Our society must remain free and open to different and controversial ideas. The true story of U.S. history can be ugly and disturbing, but as Caradonna (2023) states, honest teaching provides "epistemic tools for understanding and dismantling systems of oppression" (p. 405). Many stories of historical events can be offensive in one way or another, but censorship can make the exploration of knowledge difficult or undoubtedly impossible (Moore, 2022).

Erlich et al. (2023) argue freedom of expression plays a pivotal role in public PK–12 education because without it students cannot learn critical thinking skills. Students must be exposed to opposing, sometimes offensive viewpoints and learn to think for themselves while investigating different claims. Remaining calm in the face of aggressively promoted despicable ideas from the point of view of the students and countering such ideas with research and evidence is an important skill to maintain an open, democratic society. Students need to experience for themselves that the

best way to refute speech they consider hateful is with better ideas that promote equity (Moore, 2022). Another benefit of such a pedagogical approach is that students learn about the relationship between rights and responsibilities and about the fact their actions have consequences. Students need to understand that not immediately voicing an opinion even if legally entitled to but instead collecting needed evidence is not necessarily a sign of weakness or disinterest but can instead be a sign of maturity. Students need this skill to find solutions that truly promise to improve social issues (Moore, 2022; Morton, 2022).

In these articles, the discipline of social studies education seems to be a focal point of censorship and reimagining, and rightly so as it can be the first battlefield in the struggle for the true, unvarnished history of our country. In Oklahoma, for example, the Superintendent of Education has a team of ultra-conservative influencers rewriting PK–12 standards for social studies (Lonas, 2024). The goal of rewriting these standards is to “inspire in students a love of country and a proper understanding of the American founding. It will also eliminate DEI, indoctrination...” (para. 2). It is imperative that classroom teachers, not shy away from discussion of controversial topics that may make students uncomfortable or offend them because if such topics are banned, students cannot engage in activities and experiences that help them learn and they will not learn how to contribute to global efforts in solving problems (Morgan, 2022; Morton, 2022). At the same time, teachers must employ caution that their partisan, individual opinions and views on contentious social or political issues do not stifle student speech and lead to claims of indoctrination (Moore, 2022).

Educational Gag Orders, Academic Freedom, and Higher Education

A common manifestation of externally imposed speech codes is legislated *educational gag orders* (EGOs). Gag-order laws, which often cite vague and ambiguous language, are designed to censor teacher speech and curricula, and attempt to prevent discussion of certain topics from being discussed in the classroom, especially those related to racism, inequities, and civil rights. Legislators claim to want to protect students from feeling discomfort when discussing topics such as race or gender (Caradonna, 2023; Morgan, 2022). Academics or institutions reported to have violated gag-order laws are threatened with individual penalties such as individuals’ loss of job, loss of teaching license, tenure denial, or tenure revocation, as well as the imposition of institutional penalties such as reductions in state funding (Ward, 2022). In fact, one of the tenets of *Project 2025*, the conservative playbook and platform agenda should Trump be re-elected President, is to eliminate tenure for academic professionals (The Heritage Foundation, 2024). Such a change likely would act as a chilling factor and warning for faculty in teacher-preparation programs to conform to the conservative agenda for fear of losing their positions.

Caradonna (2023), Morgan (2022), and Ward (2022) explain the justification for gag-order laws is in response to anti-racist sentiment that arose following the police murder of George Floyd and the subsequent protests following that horrific incident. These gag orders result from an organized effort of conservative policymakers, right-wing mainstream media outlets, and certain grassroots political groups. EGOs are designed to restrict academic discussions on race and gender, even in the teaching of U.S. history. While Caradonna points out that controversy in the teaching of certain higher education subjects is not new, enacting legislation which mutes the epistemological tools faculty need to understand the social constructs of these issues is a nascent and dangerous trend.

Gag-order laws are designed to suppress research and teaching about the history and the continued impact of racism, which some claim makes the laws a violation of freedom of speech and academic freedom. The goal is to assume ideological control over the content of the post-secondary curriculum and to censor and punish those scholars who expose systemic racism and the effects of white supremacy. Ward (2022) claims that anything outside of “ablest, cisgender, heteronormative, Christian, patriarchal white supremacist thought” is unwanted and a threat to the status quo that must be suppressed. Ward’s perception is echoed by both Caradonna (2023) and Morton (2022).

The consequences of gag-order laws are manifold. They threaten faculty control of the curriculum and are an attempt to place such control in the hands of politicians for their own gain (Morton, 2022). Both Ward (2022) and Morton fear that minority scholars in the field of racial and social justice will particularly be affected because they will be limited in what research they conduct, how they develop and teach classes, and how they revise classes to support and benefit their minority and non-traditional students. Teacher educators need to discuss racism, sexism, homophobia, transphobia, and other topics in their classes, but these laws make it difficult for them to introduce such discussions in their classrooms. Teachers fearing job loss or loss of funding will self-censor, avoid teaching these topics, and stop preparing their students for entry into professions focused on social and racial justice. Teachers thus leave out important topics, students lose the opportunity to learn about these topics, and researchers can no longer stay current in their field or continue to claim subject-matter expertise (Ehrlich et al., 2023; Morgan, 2022). Morgan (2022) rightly concludes that the loss of academic freedom to learn about struggles, progress made on racial equality, and social injustices take away students’ ability to understand these issues and produce viable solutions.

The oft-invoked threat to democracy as a result of anti-racist teaching is actually amplified by silencing the conversation about discrimination and imposing limits on classroom discussions (Morgan, 2022). Even more

alarming, Ehrlich et al. (2023) observe that educational gag orders serve to protect racism and institutional discrimination by denying scholars the voice to name it. Although EGOs are often directed at the public-school setting, “by encroaching on the ability of K–12 educators to discuss and confront structural racism, white supremacy, sexual orientation, and gender identity, these laws also influence the delivery of related content in higher education” (p. 4).

CRT, Ethnicity, and Race

A common target of gag-order laws is critical race theory (CRT), an area of legal theory that examines power and racial bias in social, political, and legal contexts. Morgan (2022) discusses how critical race theory can be pivotal to understanding issues surrounding racial and gender inequality and examining how discrimination becomes enshrined in political and legal systems as well as how institutions (e.g., universities) create and maintain such inequities.

Morgan (2022) chronicles how recent attacks on critical race theory by political conservatives appears to be based on some false understanding of what CRT is, stating “Conservatives’ mission to spread misinformation... for political gains pose unique threats to faculty and students. ...any professor...that encourages students to look beyond the sugar-coated facts...is a threat to conservatives. The use of CRT is portrayed as indoctrination” (p. 10).

Whether such falsifications and misrepresentations are deliberate, are based on misunderstanding the theory, are the result of biased information, or simply buzz words for partisans to seize onto, critics have assailed CRT as unpatriotic, un-American, and disrespectful to historical figures, as wanting to espouse Black and female supremacy, and as trying to portray whites as oppressors and make white children feel guilty (Caradonna, 2023; Morgan, 2022; Ward, 2022). In other words, what conservatives are doing is trying to eliminate all unwanted academic content by tarring it with a falsified CRT brush and claiming that CRT is presented as the ultimate truth that all must support. Caradonna (2023) evidences how public schools are falsely accused of teaching CRT, and parents and educators are thus encouraged to fear CRT because it is purportedly dangerous in that it encourages children to hate one another.

Caradonna (2023), Morgan (2022), and Moore (2022) articulate how CRT can potentially offer a lens through which to understand racism. Such theory can help individuals consider and craft solutions focused on racial equity by revealing how oppressive structures can still be hidden in institutional contexts and how such institutions can perpetuate limiting rights for minorities. Critical race theory thus can be used to question whether freedom is truly guaranteed to all Americans. Moore (2022) likens the banning of CRT to a violation of the First Amendment. Those who

care about academic freedom will find it necessary to clarify misconceptions about CRT which can ultimately work to end the conservative campaign against it.

In addition to such activities, teacher educators must engage with groups who fear critical race theory and attempt to censor opposing viewpoints so that their goals become apparent (Moore, 2022). Scholars must debunk the reasoning behind gag orders, and institutions should call their legislators' bluff and not implement or enforce gag orders (Moore, 2022; Ward, 2022). Additional actions might include open discussion forums about racism; media campaigns; statements released by state boards, professional organizations, and faculty senates; and public support for faculty on the part of administrators (Ehrlich et al., 2023).

Future Directions

Given that a commonality among reviewed articles is how instructors *should* approach the inclusion of DEIA, what is conspicuously absent from the current literature is discussion about what faculty actually *are* doing. Passionate appeals for free speech and DEIA's curricular necessity do little to help faculty design a course of action. Faculty deal with a great degree of uncertainty in these situations because they do not know if and how their employer or the state will react to their actions. They may find themselves in a position either to defy their institutions (and jeopardize their job security) by removing DEIA content and CRT from their courses as mandated by a state's EGO, or to defy state law (and also jeopardize their job security) by teaching DEIA and CRT. Nonetheless, faculty must decide and follow through on their decision without knowing what the consequences will be (or whether there will be consequences), so faculty need guideposts that help them determine which course of action is indicated or prudent considering their particular context and the severity of possible punishment. Not everyone is either cut out to be an activist or willing to risk their job security on principle alone. As a result, we advocate for the use of decision theory as a framework for future research, since it allows us to investigate how teacher educators make these decisions and which evidence they use in the process.

Decision Theory

Decision theory offers structures that take uncertainty into account and helps decision-makers investigate which information or variables might be used to come to a decision in a particular situation. Decision-making frameworks help decision-makers use logical and rational strategies that include all available information to analyze the probability and the value or utility of alternative courses of action used to guide the decision-maker toward the most logically advantageous course of action based on the decision-maker's criteria (Jepsen & Dilley, 1974; North, 1968).

The value of a decision depends not only on the chosen alternative but also on factors that one cannot influence, such as environmental conditions. In many decision situations, the outside influences and the available information are so varied that alternative courses of action or outcomes cannot be determined. If a decision is connected to more than one possible outcome, scholars call it *situation uncertainty* (Alquist & Baumeister, 2023). The focus of decision theory, therefore, is dealing with uncertainty, meaning that probabilities for the occurrence of certain outcomes cannot be determined. As a result, a decision situation can be considered rational only if all possible environmental conditions have been considered. It seems unlikely, however, that teacher educators without advanced training in statistics and probability theory will have the skills, the time, or the inclination to rely on elaborate mathematical models. They are much more likely to use *heuristics*, that is, rules of thumb or mental shortcuts, to arrive at their decisions. The reason for that is that heuristics save time and effort in making the most advantageous decision (Plous, 1993; Rieskamp & Hoffrage, 1999) even though they include the risk of introducing bias into the process. In what can only be described as paradoxical, Gigerenzer (2007) avers that even decision theorists themselves tend to rely on heuristics rather than their own models.

According to Plous (1993), the two most common heuristics are the *availability heuristic* and the *representativeness heuristic*. The representativeness heuristic refers to those who consider specific scenarios more likely to occur than general ones because a specific scenario is more representative of how people imagine a hypothetical scenario will unfold. Decision makers often believe that the more specific a scenario, the more likely it is to occur; misjudge how often something truly occurs in real life; believe that past events must necessarily trigger certain future events; and assume that where chance factors are concerned, extreme outcomes can be maintained or improved.

The *availability heuristic* is based on a process by which events are judged to occur more frequently than they really do simply because these events can be remembered, imagined, or visualized easily or because it is easier to think of examples of one event than of another. Uncommon events are often more easily remembered and so are judged to be more common than is warranted. However, just because something is easy to imagine does not increase the likelihood of its occurrence. Furthermore, people tend to shy away from imagining or remembering disconcerting events and may be in denial about the frequency of their occurrence. In addition, something considered exciting or close in time often affects decision makers more strongly, such as anecdotal testimonies from friends and family members rather than the result of a research study (Plous, 1993). Gigerenzer (2007) adds one more common heuristic, the *recognition heuristic*. This heuristic is

based on the fact that when we recognize the name of a brand, person, company, university, sports team, etc., we automatically assume it has more value than the alternative, lesser-known choice.

The recognition heuristic is also tied to the perception that one choice is the better choice when more information about it is available. The bias here is, for example, that recognition can be manipulated by clever marketing and name placement even if one's product is inferior, and having more information also means that there is a risk of introducing irrelevant or confounding information that may eventually lead to a worse decision. A subtype of this heuristic is the *fluency heuristic*, which assigns higher value to choices whose names are retrieved more easily, effortlessly, and fluently from memory than the alternative (Hertwig, Herzog, Schooler, & Reimer, 2008; Jacoby & Brooks, 1984).

Empirical research into the tensions between teaching DEIA and states' educational gag orders, therefore, will need to rely upon the testimony of teacher educators in states that have higher education EGOs in place. How do teacher educators determine whether their states and the state-level higher education boards are truly dedicated to enforcing these laws or whether the laws are mostly an attempt at political grandstanding to placate current politics and attract future voters? How do teacher educators determine whether their institutions will allow them the academic freedom to remove DEIA content, and how do they ascertain that they will have their institutions' support in case of conflict with the state? Finally, which models or processes do they use to decide which action is called for? How do they search for information and decide? How much and what kind of information do they use? Is their approach process-oriented or outcomes-oriented (Rieskamp & Hoffrage, 1999)? All these questions can be answered only if researchers actually sit down with teacher educators to mull over the repercussions of various decisions and ask them about their decision processes and anything else they might have to say about the situation.

Conclusion

Our review of the literature is intended to illustrate how, although speech codes may be proposed or demanded by actors from all partisan political stripes, gag-order laws seem at present to be the chosen approach to unwelcome curricula and classroom topics favored by conservative and right-wing political actors. Arguing that freedom of expression is a constitutional right, as is learning everything there is to learn about how to achieve social justice, the arguably scant literature rejects gag-order laws and presents arguments about what the consequences of such laws will be, how students benefit from a free exchange of ideas, and what educators and others can do to push back against these laws.

Considering the uncertainty teacher educators experience in states with higher-education gag orders in place when deciding on whether to

include DEIA content in their classes or to remove it, teacher educators need guidance on how such decisions are arrived at, and the best way to develop such guidelines is to listen to those who have actually gone through the process. Since state laws and institutional policies are often intentionally vague or inconsistently enforced and since the relative recentness of the issue has not yet produced a body of research, investigating “best practices” and the experiences of colleagues in how to navigate these treacherous waters represents a first step in providing teacher educators with the input needed to work through their own decision-making processes.

At the same time, we must not forget that gag-order laws enjoy far more than a negligible level of public support and cannot simply be written off as a cynical attempt by partisan politicians to be re-elected. Our next step should then be to investigate reasons for such support, especially examining public opinion and fears. Educators’ perceptions are important because they are at the forefront of the issue and educators must decide to comply or not with gag-order laws—and they must do so quickly. However, in the long run, the perceptions of students, parents, and others involved in education are necessarily key in understanding the institution and support of gag-order laws and resistance to DEIA content as well as important to the future of public education as a whole. Only seeking such an understanding on the part of all stakeholders can be used to affect adequate responses that can re-establish common ground and help educators find viable solutions to ongoing educational inequities.

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