



TESTIMONY

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CURRICULUM TRANSPARENCY

By Patrick Ishmael

Testimony before the United States Commission on Civil Rights

Good afternoon. My name is Patrick Ishmael, and I am the director of government accountability at the Show-Me Institute, a 501(c)(3) non-profit charity. These remarks represent my own research and views.

For the last decade I have worked at the Show-Me Institute in a variety of roles and policy areas promoting good governance, small government, and government transparency.

Transparency in government and government spending has not been and should not be a point of ideological or partisan conflict. Article 1, Section 9, Clause 7 of the United States Constitution sets forth the fundamental importance of public knowledge of government spending; the 20th century's Freedom of Information Act set out a latter-day conception of transparency in government; and Presidents in the 21st Century from both parties—notably President Barack Obama and his Memorandum of Transparency

and Open Government—have pursued policies and set priorities to modernize government transparency, like requiring machine-readability and substantive compliance in government answers to public inquiries.

It's that robust view of accountable government that I have often applied to state government. In the last two years, much of my attention has turned to educational transparency issues, and prominent among those topics has been the manner in which racial subjects were being taught in Missouri and how that instruction was evolving—with and without parents' knowledge.

Racial issues often can be difficult to navigate because America's racial history is simultaneously straightforward and complex. At the time my father was born in 1959, his future marriage to my mother was illegal under Missouri's anti-miscegenation laws because even

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midway through the last century, the state of Missouri thought he was too black, and my Sicilian-Calabrian mother too white, to marry. Thankfully, the country and the state have moved past that deep moral error, among others.

Without a doubt, our country is an imperfect union, with a past of victories and failures, heroism and atrocities. But being American isn't, and shouldn't be, about who our parents were or what we look like. Being American is, I think, about what we choose to be . . . what we choose to be together, and how we build a more perfect union.

The content of our public education system is key to that effort of improvement, so it's no surprise that education remains a flashpoint in the country's debate about who we are and will be. I have deep concerns about the proliferation in K-12 education of critical race theory (which has its roots in German Marxism) and anti-racism (which perversely and destructively labels many disagreements about American society as evidence of racism). But at a bare minimum, Missouri parents and voters should have full access to the full contents of their kids' curricula well before those curricula go before their children.

That was the objective of our Show-Me Curricula Project, undertaken in 2021 and 2022: to shed light on what's being told and taught to students and teachers in Missouri's elementary and secondary schools. After circulating nearly 6,000 requests under the Sunshine Law to schools and districts statewide, I can say that with regard to transparency, the responses received from our schools and districts were not heartening.

I want to highlight the district I was most impressed by and which may seem counterintuitive in context: the Kansas City Public School District. KCPS was the only school district that explicitly affirmed that it was teaching critical race theory as part of its curriculum and provided an exceptional level of material and detail for the proposition. They did not hide the content, and because they haven't and don't, KCPS taxpayers can decide for themselves if this material suits their children and worldview. About a dozen other schools and districts also provided documents at no charge that satisfied our Sunshine Law requests and indicated that they, too, were

teaching CRT or CRT-adjacent content. Many other districts outright denied having the content in their curricula.

But keep in mind that there are over 500 school districts and over 2000 schools in the state. While many simply responded that no such dubious racial content existed in their curricula, others were more ambiguous and evasive.

- The Springfield Public School District played word games in our Sunshine Law correspondence and in the end demanded thousands of dollars before it would fulfill our records request. We declined to pay them.
- The Lee's Summit Public School District wanted roughly \$140,000 for access to their curricula for the year. We declined to pay them, too.
- Several adjacent rural school districts in mid-Missouri demanded over \$200,000 each for their documents and even coordinated responses with nearly verbatim emails to us.
- The St. Louis Public School District initially said they had no relevant documents, but after we informed them we knew the documents existed because we had an insider reporting to us, SLPS came clean with those documents -- and more.

Especially with the St. Louis Public School District, therein lies the unfortunate, overarching problem: that at the end of the day, taxpayers cannot always take at face value the representations being made by schools and districts about what they are teaching kids.

These materials are being produced with taxpayer dollars, and as we've written regarding previous local transparency initiatives like the Show-Me Checkbook Project: If government can take and spend your money, they must account for it transparently. And if they don't or won't? That's a major problem.

It's a problem among districts that got worse from 2021 to 2022, mainly through the ballooning fees districts wanted to charge for this data. In 2021, the average fee demanded for curricular data was just over \$3,000 per district; in

2022, that average price had ballooned to over \$25,000.

As we observed in previous similar projects, the fees related to the Sunshine Law are often used as a functional denial of a request since (1) requestors often cannot afford such fees, (2) litigation is costly, and (3) the consequences for being found in court to have violated the Sunshine Law in Missouri are so meager that local governments usually roll the dice, daring citizens to litigate matters. My suspicion, based on my research, was that districts, previously inexperienced with Sunshine Law requests, in the second year wised up to the game other local government entities have long played in denying access to these public documents, and started pricing us out. It's unfortunate and, frankly, unacceptable.

Beyond the importance of educational transparency itself, I must add that there are critical problems at the K-12 administrative levels related to the often nuanced and quiet propagation to teachers and students of CRT, anti-racism, and their related concepts.

- For example, a widely distributed internal video call for a curriculum development session at the Francis Howell School District with Dr. LaGarrett King, a now-former Mizzou professor who advocated for CRT in K-12 education, makes clear that rather than deal with parents transparently about what the district teaches to kids, some leaders in the CRT movement advocate instead to hide it, including not reducing content to writing lest it be discoverable by parents. And to quote King's previous work, who often wrote to this effect publicly:

“Borrowing tenets of CRT to infuse into civics/ government lessons allows students and teachers to see that civics is not a neutral, inherently good part of American life, but that it, too, is infused with racial thinking. Within a civics class, the CRT idea that ‘racism is normal’ could be used to explain racial disparities in incarceration rates in the US and the Supreme Court’s litmus test for ‘proving’ racial bias.”

- Moreover, a recently-rebranded charter school in St. Louis, previously called Eagle College Prep, taught teachers among other things that they

live in a cage of oppression, that whites oppress all other races, that Christians oppress all other religions, that men oppress all women, and that racial collaborators, individually and as a class, adopt values like “merit” to fit into the society of their supposed oppressors. Apart from the inherent bigotry and racism embedded in such propositions, there can be little doubt that these instructions to teachers were intended to affect their classrooms, and it isn't clear how prevalent such CRT-oriented training sessions are across Missouri's K-12 space.

Indeed, when the chief diversity officer of Missouri State University suggested in 2021 that “[Critical race theory is] not being taught in the public schools, it's not even being trained in the public schools,” he was, plainly, not telling the truth. CRT is being taught and trained in public schools, and for an academic familiar with the space to suggest otherwise raises a host of uncomfortable questions.

I think solving this problem of accidental or willful deception, one that threatens trust and confidence in public officials, comes down to robust transparency expectations of schools and districts, including the mandatory publication of curricula and training materials online and in a manner that allows for easy oversight by state government and the public writ large. Sunlight is the best disinfectant, and if schools and districts are hiding instruction and training from public scrutiny out of shame or to deceive, a strong state law would take that loophole out of their hands.

To the specific issue of whether race or race-related instruction is on the chopping block in Missouri, the legislation that I have seen would not suggest it—and I've seen a lot of legislation—but that doesn't mean there wasn't legislation in 2023 that spoke to some of these racial instruction issues, including Senate Bill 4, often referred to as the Parents' Bill of Rights. What kind of student instruction and teacher training would have been prohibited under that law? Instruction...

- “That individuals of any race, ethnicity, color, or national origin are inherently superior or inferior;
- “That individuals should be adversely or

advantageously treated on the basis of individual race, ethnicity, color, or national origin; or

- “That individuals, by virtue of their race, ethnicity, color, or national origin, bear collective guilt and are inherently responsible for actions committed in the past by others.”

These are appropriate guardrails that, as our statewide research has shown, have not always been kept by schools and districts. That legislative language wasn't drafted in a vacuum, either; Ibram Kendi, a fierce proponent of anti-racist thought, has made clear the contrary position SB 4 sought to overcome when he wrote that,

“The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.”

Kendi's worldview is certainly not one I would adopt, and I believe the legislature is right to use its power of the purse to deny funding to it, as it could and should deny funding to a host of other concepts that would justify discrimination on similarly appalling grounds. Whether Kendi's worldview is being inculcated in Missouri students or not, parents should always have the unobstructed opportunity to know what their kids are being told about themselves and their families—whether it's about their race, their sexual orientation, their religion, or their worldview.

For both government and the taxpayers themselves, transparency is critical to ensuring tax dollars are being used appropriately so that the public can have confidence in its government. As we seek to form a more perfect union, state and local leaders must be far more transparent about how they handle taxpayer money in all its forms and for all of its purposes, including and especially in our K-12 institutions. I think the future of our country depends on it.

Thank you.



5297 Washington Place · Saint Louis, MO 63108 · 314-454-0647
1520 Clay Street · Suite B-6 · North Kansas City, MO 64116 · 816-561-1777

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