

MCS Board Meeting September 28, 2021--JRW

A. Introduction: Controversies roiling country with public education being placed at the center of political fights across the ideological spectrum.

1. House Enrolled Act 1315—in May, 2018, the Indiana General Assembly adopted bold and innovative legislation to create a historic partnership between Ball State University and Muncie Community Schools. This legislation enables our schools to take advantage of its relationship with the University and grants the district all administrative and academic flexibility to implement innovative strategies.
2. Required the submission of an Academic Innovation and Financial Viability Plan by June 30, 2020. This occurred after seeking broad input.
3. Development of Plan was a community effort. With the assistance of the United Way, we held over 50 listening sessions throughout the City. We heard from over 500 parents and caregivers, from over 20 local foundations and non-profits, from most of our faculty, and a national panel of educational experts.
4. A significant part of that plan, again driven by parents, faculty, local funders and nationally recognized educators was social emotional learning.

B. Social Emotional Learning—What is it:

In this politically divisive time so full of misinformation and resultant anxieties, we have received a few questions about the need for Social Emotional Learning ("SEL") curricula in our public schools. In short, SEL promotes whole child development by teaching skills like self-regulation, persistence, empathy, self-awareness and mindfulness. Practically speaking, it teaches students to regulate their emotions, pay attention, and work well with peers. Regrettably, looking around the country, these attributes appear to be in short supply right now. In any event, all of these are valuable and important attributes of educational and personal growth and success. The curricula used at MCS is Second Steps Success; if anyone wishes to see it, I will happily get you a complete copy. The Bush Administration Named this an Exemplary Program in 2001. It is not particularly new.

While we may wish to believe that these life skills are with our students when they arrive at the schoolhouse door, some of our learners come from backgrounds where they do not receive modeling of these behaviors from any adult, sibling or peer. In fact, the modeling is oftentimes counterproductive. To those who question the need for such learning modules, whether out of sincere interest or out of political mischief, I would ask the following questions:

Did you move ten or more times, at least twice due to eviction, between the ages of 5 and 18?

Did one or both parents spend at least one month in jail or prison during your childhood?

Did one of your parents die a premature death due to drugs or violence?

Did you grow up in a household with no books?

Have you ever lived in a vehicle for any period of time?

Have you, or a sibling, ever been a victim of abuse, neglect or sexual assault?

Have you been in your house to witness an act of domestic violence against a parent or caregiver?

Have you ever been sick with strep throat, bronchitis, the flu, a tooth infection, scabies, or head lice without medical intervention?

Have you ever gone to bed or school hungry?

Have you ever witnessed a caregiver commit an act of unimaginable cruelty to a family pet?

And I could go on.

During the last 30 years of practicing law, serving as a trial judge with juvenile and criminal jurisdiction, a mediator of domestic cases, an arbitrator, or in working with public schools, I have worked with several young learners who have endured one, or usually several, of these

traumas. As we have learned over the last 20 years, traumas of this magnitude for any person, but especially for someone with a developing body and brain, will wreak emotional and physical havoc. They are, in fact, a form of malignancy. SEL is simply one of many tools that our magnificent educators use to help heal and educate our children. When people ask if there is any political agenda, hidden or otherwise, we answer that the only agenda is to do our level best to help our children get to a point where they can feel a sense of love and security that enables them to learn, that gives them a sense of hope, and that helps them see a path where they can be in greater control of their destinies as adults through perseverance, self-reliance, and reaching out to trusted others for help when they need it.

On a personal note, I was born in 1966 and my brother in 1970. While we had good parents, I can say without reservation that my own social and emotional learning was enhanced by none other than Fred Rogers. Mr. Rogers' neighborhood debuted in 1968 and ran until 2001. This program, for those who may not have seen it, was on PBS and emphasized young children's social and emotional needs. Rogers taught young children about civility, sharing, tolerance, and self-worth. Like many in this room, I also learned these lessons from several of my teachers. In my case, I think of Marian Pope, my third-grade teacher at Kitchel Elementary, who recently died as she neared the age of 100.

So, I suppose this may be political in the broadest possible definition, but not in the nefarious manner that some would like for you to think.

C. Social Studies Project

1. Brief Overview of the Social Studies Project

What it is:

- Developing citizens that will perpetuate our democratic traditions, aware that we to work with one another to move forward
- Developing humans that understand that no one's experience is universal
- Developing students that are seekers, privileging learning over knowledge
- Learning history through the experience of more than one perspective
- Learning government and economics with a consciousness of how policies impact different people in different ways

What it is not:

- Classrooms built up from lecture and thoughtless rote memorization of trivia, names, and dates
- The imposition of a worldview that attempts to set norms
- History, detached from the present
- It isn't CRT.

D. Critical Race Theory—What is It?

We have heard the term critical race theory a good bit over the past few months. However, when I have inquired, the vast majority of people do not have a correct understanding of what this term entails. As a result, misinformation and a lack of understanding have filled the vacuum. Anytime there is misinformation being disseminated for political purposes, one of the goals is to create fear and apprehension among listeners. This false anxiety is then used to drive a political agenda.

With that background, in the late 1960s and early 1970s, several law schools in the United States saw the emergence of the Critical Legal Studies (CLS) movement as a branch of legal scholarship. Its genesis was a natural outgrowth of the upheaval over the Vietnam War, frustration with the pace of the civil rights movement, and general dissatisfaction with the political status quo exemplified by Nixon Administration scandals that culminated with Watergate. As I will discuss in a moment, Critical Legal Studies forms the foundation on which Critical Race Theory emerged.

At its core, though deep differences have emerged within CLS, it alleges that laws (both legislatively enacted statutes and court driven common law) have been constructed in a manner to maintain status quo power structures that create significant economic and social hurdles for marginalized groups. Marginalized groups have been defined, without limitation, by gender, national origin, race, ethnicity, religion, sexual orientation or the economically impoverished.

As the 1970s gave way to the 80s, Harvard Law School's first black tenured professor, Derrick Bell, wrote a law journal article titled, "**Brown v. Board of Education**" and the **Interest Convergence Dilemma.**" Harvard Law Review (1980). By way of background, Bell received tenure at Harvard in 1971. Prior to that, he was a lawyer at the NAACP's Legal Defense Fund (the "LDF") handling civil rights litigation. The LDF's predecessor in interest, with Thurgood Marshall

as the lead trial lawyer, handled the *Brown* case resulting in the Supreme Court's 1954 decision in ***Brown v. Board***. Even in 1980, Bell's article was deeply controversial in that it questioned critically the NAACP's strategy of integration. For many, the Brown decision was thought to represent a moral awakening and the prevalence of decency among a core majority of white citizens. Bell theorized in his argument that, to the contrary, the Court's determination was the "result of an interest convergence and Cold War pragmatism." In short, as the U.S. was locked in its struggle with the Soviet Union, the images of racial oppression in the U.S. handed the Soviets a propaganda weapon to wield at home, in Eastern Europe and in third world countries. Consequently, according to Bell's thesis, the Court's Brown decision was an effective means to deprive the Soviets of a propaganda tool, and was in the broader interest of the United States. While Bell's theories were subject to criticisms from a number of quarters, they gained traction with a group of academics at several other law schools. Along with Bell, these professors, formed the basis of the CRT movement throughout the 1980s.

CRT has evolved as a natural derivative of CRL. In this regard,

"CRT does not attribute racism to white people as individuals or even to entire groups of people. Simply put, CRT states that U.S. social institutions (e.g., the criminal justice system, education system, labor market, housing market, and healthcare system) are laced with racism embedded in laws, regulations, rules, and procedures that lead to differential outcomes by race."

"Why are states banning critical race theory?", Brookings Institution, Ray and Gibbons, (August, 2021).

As the authors of this article note, CRT has become a political football as some Americans assert that labeling U.S. institutions racist is a broad-based assertion that anyone associated with those institutions is also a racist. This defensive posture has also extended to the assertion that K-12 students lack the intellectual capacity or maturity to address CRT with all of its nuances and complexities. As to this latter assertion, historically, CRT has found its home in college and law school classrooms.

At MCS, it is our goal to provide a diverse educational experience that emphasizes culturally responsive teaching. This is fundamentally distinct and different from any relationship to CRT both in theory and practice. Our approach, relying heavily on primary source materials, is constructed in order to provide MCS students with

exposure to a broad array of academic materials in English Language Arts and Social Studies. While certain events in U.S. history will not, and should not, avoid the specter of racism, i.e. slavery, the Civil War, Jim Crow, the Civil Rights Movement and the histories related thereto, this ***does not*** involve teaching or exploration of CRT at the K-12 level. As noted, this is generally a topic suited for law schools or specific undergraduate college and university programs.

By way of example, the following is a limited of example of what this may include:

We can and should study and discuss:

- (1) The Declaration of Independence—The genius of the second paragraph:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.

Historian, Joseph Ellis saying it contains "the most potent and consequential words in American history". Over time, the passage came to represent a moral standard to which the United States should strive. However, in July of 1776 it applied to white men of property.

- (2) United States Constitution—1787 Drafting and Ratification in 1789.
 - (a)-Genius of Articles I, II and III creating separation of powers and checks and balances, and of the Bill of Rights conferring heretofore unheard-of freedom on certain citizens.
 - (b) Compromise that permitted its ratification-Article I, Section 2 (3/5th's clause) and Section 9 (preserving the international slave trade until 1808).
 - (c) Can and should study that certain founders, including Ben Franklin, recognized the moral atrocity of owning human beings, and Robert Carter, III of Virginia who began freeing his slaves in 1791;
 - (d) Northwest Ordinance of 1787-banning slavery
- (3) Crispus Attucks the man at the Boston Massacre in 1770 first black man killed in the fight for freedom. The High School and Oscar Robertson
- (4) Women-Seneca Falls Declaration in 1848; Elizabeth Cady Stanton, Lucretia Mott and Frederick Douglass expressing full support for women's equality

- (5) Andrew Jackson and John Quincy Adams—consequential presidencies. Jackson’s brutal measures with Native Americans.
- (6) Nat Turner-1831 slave rebellion in Virginia that hardened attitudes throughout the country further leading the country towards conflict.
- (7) Frederick Douglass/William Lloyd Garrison (the Liberator)/John Brown (ferocious)
- (8) Henry Clay/John Calhoun and Daniel Webster—Compromising and holding the country together as slavery continued to rent at the Nation’s seams.
- (9) Supreme Court—John Marshall (judicial review) and Roger Taney (Dred Scott)(1857) where the Court held that the United States Constitution was not meant to include American citizenship for people of African descent, regardless of whether they were enslaved or free, and so the rights and privileges that the Constitution confers upon American citizens could not apply to them. Match that lit the tinder that resulted in the conflagration of the United States Civil War.
- (10) Lincoln’s evolution—Cooper Union Speech 1860; to the Emancipation Proclamation after the battle of Antietam in the fall of 1862 (issued Jan 1, 1863) to the Gettysburg Address (engrafting Declaration’s Equality Clause to Constitution in November of 1863; to his best speech the Second Inaugural in March of 1865;
- (11) Lincoln contemplates extending the franchise to formerly emancipated slaves—Lincoln in 1865; John Wilkes Booth’s reaction “last speech he will ever give”.
- (12) Iron Brigade-first day at Gettysburg-20th Indiana commanded for a time by Samuel James Williams of Selma until he was killed at the Wilderness in 1864; and the 54th Mass. Black troops commanded by Robert Gould Shaw and immortalized in the movie Glory
- (13) Reconstruction-1866-1876- 13th, 14th, and 15th (civil rights) Amendments. First Black U.S. Senator, Hiram Revels of Mississippi. Revels attended the Beech Grove Quaker Seminary, a school in Union County, Indiana.
- (14) Compromise of 1876 ending Reconstructions and clearing the way for 90 years of Jim Crow.
- (15) Marvel at Post-Civil War Industrial Explosion from a primarily rural agrarian society to an industrial society. Compare to our transition of a tech economy now. Rockefeller, Carnegie, J.P. Morgan giving rise to a modern economy. T.R.’s response reigning in those titans and seeking to close the wealth gap.
- (16) Battle of Wounded Knee in 1890 and Plessy v. Ferguson 1896-separate but equal. In theory but not practice.

- (17) T.R. having Booker T. Washington of the Tuskegee Institute the WH in 1905—deeply controversial. Madame Walker, purported to be the first self-made woman millionaire, who came to Indianapolis in 1910
- (18) Woodrow Wilson, a Virginian, while seeking to make the world safe for democracy, took race relations backward with resegregating government offices in D.C. and screening Birth of a Nation at the White House in 1915.
- (19) WWI—MacArthur—42d Rainbow Division (including the 69th NY Irish) and Harlem Hellfighters fighting alongside French troops.
- (20) 1920s literature—Hemingway/Fitzgerald/Alain Locke/Langston Hughes/Pearl Buck/Zora Neale Hurston and others who came later like Ralph Ellison and Richard Wright.
- (21) Music-Country Music Bristol Sessions in 1927/Jazz the Harlem Renaissance/the Apollo Theatre, and the unique American sound of the Delta Blues with Robert Johnson out of Clarksdale Mississippi.
- (22) Great Migration—1930 Lynching of Tom Smith and Abram Smith. Muncie's connection. Shaffer Chapel.
- (23) Hoover Dam/Rockefeller Center-1930s midst of the Great Depression
- (24) Marion Anderson-great black contralto-Lincoln Memorial-ERoosevelt intervention.
- (25) Benjamin V. Cohen-Jewish man born in Muncie in 1894; Graduate of University of Chicago and Harvard Law School; became the principal drafter of much of FDR's New Deal
- (26) WWII:
- Dorie Miller—USS West Virginia Mess Steward; Navy Cross
 - Tuskegee Airmen
 - Navaho Code Talkers
 - Women Army Air Corp.
 - Rosie the Riveter
 - Ernie Pyle
 - Eisenhower
 - The internment of Japanese Americans and the S.Ct. decision affirming the act in Korematsu.
- Jackie Robinson and Larry Doby—1947 and 1948

- (27) Thurgood Marshall/NAACP/Brown/Supreme Court paving the way for so many others including Judge Robert Wilkins Muncie Northside who serves on US Court of Appeals for the DC Circuit
- (28) Gen. O.P. Smith and Lt. Col. Don Faith (Washington, Indiana—MOH/posthumously) at the Chosin Reservoir in 1950.
- (29) MLK/Rosa Parks in Montgomery-1955
- (30) Freedom Summer 1964-Andrew Goodman/Michael Schwerner and James Chaney
- (31) Can and should explore the written work of James Baldwin, Harper Lee and Kurt Vonnegut (Indiana's own). The music of MoTown (Marvin Gaye, Smokey Robinson, the Supremes and Indiana's own Jackson Five), of Bakersfield (Buck Owens and Merle Haggard); and the folk sound coming out of New York and California with Bob Dylan and Joan Blyz.
- (32) American Ingenuity at work in Space with the Gemini and Apollo missions—Gus Grissom/to the Challenger disaster in 1986; Ronald McNair—S.C. in 1950 to a PhD at MIT perished alongside a social studies teacher named Christa McAuliffe from New Hampshire.
- (33) Can and should study the Cold War's end in the late 1980s as the United States was a beacon to freedom seeking people's all over the world with the Iron Curtain falling peacefully. And We Could and Should Go On but time limits us this evening

“William L. Shirer, who had covered Nazi Germany, wrote on returning home. “I had seen these poisons grow into ugly witch hunting and worse in the totalitarian lands abroad, but I was not prepared to find them taking root in our own splendid democracy.” (Referring to America First Movement, Father Coughlin, and Charles Lindbergh, etc.)

– **Jon Meacham, The Soul of America: The Battle for Our Better Angels**

" You never really understand a person until you consider things from his point of view... until you climb into his skin and walk around in it". –Harper Lee, To Kill A Mockingbird

This quote from Atticus teaches Scout that before you judge or disagree with some you should put yourself in someone else's shoes, even though you might disagree with it.

Greatness of American—a mosaic of diversity that, against high odds and threats foreign and domestic, has come together and thrived to be the longest surviving Republic in the history of the world. For it to continue, we must work to walk around in each other's shoes (to paraphrase Atticus) and see both ourselves and each other from a perspective of grace and learning.

Diversity: the art of thinking independently together.--**Malcolm Forbes.**

We can, should and will work to equip our learners with a thorough, rich and diverse curriculum that enables them to enter the world with the skills, knowledge and dispositions to thrive as active citizens in a democratic and global society.

