

Parents' Guide to Children's Rights Aims to Save America's Schools From CRT

"The most important battleground in the fight to save our American republic is the public schools."

So says Kimberly Hermann, general counsel at the Southeastern Legal Foundation, in the introduction to the foundation's guide for parents, "[Your Child's Rights and What to Do About Them](#): A Parent's Guide to Saving America's Public Schools."

Hermann's outlook is increasingly common among anyone taking stock of the proliferation of lessons on critical race theory (a radical worldview that advocates for the primacy of racial identity) in public school curriculums. And her foundation, a national nonprofit law firm that has litigated numerous cases arising in public schools and universities, is ready to persuade anyone else who will listen.

Renewed interest in curricular content is not coming from conservative quarters alone—parents of various political stripes have been galvanized by their children's encounters with critical race theory-based lessons to oppose its dominance in classrooms. That's the audience the Southeastern Legal Foundation addresses in its guide—those who "have had enough."

Why should any parent feel they've had enough of critical race theory? To many parents, the theory's doctrines of "white supremacy" and black/brown victimhood are anathema to their civic or religious convictions on the nature of the person, his or her agency, and the sources of his or her goodness, guilt, and redemption.

To others, critical race theory is just a time- and resource-

intensive distraction from their schools' persistent failure to bring students somewhere near a grade-level competence in reading and mathematics.

Fair-minded parents can and should be skeptical of the pedagogic value in a theory that dismisses "[legal reasoning](#)" and "[rationalism](#)" as mere instruments of white supremacy. After all, critical race theory-based impulses led the Smithsonian to opine that "[objective, rational linear thinking](#)" was only an "assumption of whiteness."

Yet for all the legitimate concern parents feel when they find this racist thinking in their child's homework, there is often a gap between their desire to oppose critical race theory-based instruction and their ability to advocate effectively for that outcome. The foundation's guide is meant to bridge that gap with introductions to the core legal concepts in play when a public school introduces a critical race theory-based curriculum.

The foundation's "Parent's Guide" begins by briefly engaging the threshold question: What is critical race theory? It's a broad heading, covering the [writings of legal activists](#) who have [wedged racial antagonisms into Marxism's framework](#) for class warfare.

Their views vary in the particulars, and their jargoned texts go mostly unread outside of academia. But what is transmitted to younger students comes from the core areas of agreement, which the Southeastern Legal Foundation summarizes as follows: "CRT holds that America was founded on white supremacy and oppression, and that racism is embedded in America's legal system, government policy, and the Constitution."

In a strange twist, however, theorists believe that discrimination is still necessary today. Black Americans do not hold enough power, though, and that's one of the primary reasons, theorists say, that America is not to be reformed,

but [remade](#).

That principle, incendiary as it is, is perfectly at home in the media musings of critical race theory's most prominent practitioners. It is a bracing reminder that critical race theory is not a program of reform and reconciliation, nor is it a project to promote historical awareness. Rather, it is a self-consciously revolutionary ideology that inspires its adherents to view much of the society in which they live with open contempt.

While critical race theory's core axioms are revolutionary, it has somewhat subtler presentations. The foundation's guide notes several of the anodyne headings—social justice, implicit bias, anti-racism, etc.—under which critical race theory appears in classroom materials. Critical race theory may be taught as a stand-alone topic, but advocates insert it, albeit awkwardly, [into every subject](#), even the hard sciences, where the attempted applications seem [most absurd](#).

Surely, the breadth of critical race theory's pretensions, its vigorous self-importance, is part of what provokes a visceral reaction from parents.

Wherever critical race theory lessons are taught, the question of how they are taught and how school officials apply the theory in school activities are the most relevant from a legal perspective. The Southeastern Legal Foundation acquaints parents with the scope of students' First Amendment speech rights, which are lawfully restricted, but not extinguished, in educational environments. Most noteworthy are the concepts of compelled speech and hate speech.

Just as students have a right to express their views in class, they enjoy a corresponding right to refrain from expressing views that are not theirs. This is a boundary that critical race theory-based lessons can easily transgress, given that they often require performative confessions of one's status as

“privileged” or “oppressed.” But no school official is permitted to compel students to adopt any views on a subject as fraught as socio-historical “privilege.”

As then-Supreme Court Justice Robert Jackson memorably put it in *West Virginia State Board of Education v. Barnette* in 1943, “[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein.”

If that maxim applies to the promotion of patriotic devotion to country, as it did in *Barnette*, then it applies to “anti-racist pledges” and critical theories teaching that this republic is a continuing experiment in ever-more insidious forms of racial discrimination.

Concerning so-called hate speech, the foundation reminds parents that the very idea remains almost alien to First Amendment law, and the subjectively offensive nature of a student’s speech does not make it permissible for school authorities to restrict it.

As the Supreme Court [reiterated](#) in 2017, “Speech may not be banned on the ground that it expresses ideas that offend.” Instead, the foundation explains that before a school can lawfully restrict a student’s “hateful” speech, that speech must “substantially disrupt” the school environment.

Other examples in the foundation’s guide cover questions of student privacy rights, parental consent, and parental oversight as they may be implicated by critical race theory-based lessons. But one point among them bears emphasizing: For parents concerned with critical race theory in schools, teachers are often allies, not enemies.

Though teachers may be the ones foisting racially obsessed lessons on students, just as often they are as disturbed as

parents with curriculums and class materials purchased by administrators and school boards from outside advocacy groups. The foundation has represented such teachers in litigation, including one in Illinois who complained that her school was separating teachers and students into [race-based groups](#) for school activities.

Concerned parents, especially those looking for a non-litigated solution, would do well to enlist the help of sympathetic teachers.

Despite laudable efforts in the public charter school, private school choice, and homeschooling movements, a large portion of the nation's families still rely on public schools to educate their children. Thus, there's much at risk if conservatives abandon this arena.

When critical race theory is taught in grade schools, it's delivered to an audience that has scarcely learned the vision of America that this theory is meant to supplant. What our public schools implant in young minds can't be easily dislodged later.

And everything students learn afterward, in college or the workplace, they will interpret with the first set of tools they learned to use. So, if public school students are taught from kindergarten onward that racial grievance is the key to understanding history, politics, and their own daily social interactions, can we expect them to bring some other perspective to the tasks of adulthood?

Hermann and her colleagues are highlighting an important truth, something that has always been true about public schools: These schools are important settings for instruction, debate, and the transmission of values, and are the battlefields that will determine our nation's future.

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