



SIECUS Policy Brief: Defending Access to Inclusive and Affirming Education

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As outlined in the recent report, *Exposing Hate: The Truth About Attacks on Our Kids, Schools, and Diversity*, the Regressive Minority has utilized their increased visibility since Trump's presidency and the emotional vulnerability caused by the COVID-19 pandemic to prey on Americans' fears in an effort to undercut efforts to promote diversity and inclusion in our society. Their strategy uses fear-inducing disinformation on social media and tests a playbook of harmful policies that co-opt mainstream language and deceive Americans.

As the 2022 state legislative sessions wrap up or are reaching midpoint, 46 active sessions saw an unprecedented attack on human rights by the Regressive Minority - a small international movement of well-funded, fear-mongering, and vocal Christian fundamentalist organizations - that are opposed to comprehensive sex education, and is now starting to attack other school-based programs that affirm the increasing diversity of today's youth, in a bid to halt the advancement of inclusive education programs that teach young people to respect and value diversity. This year saw the sex education landscape become more volatile than in recent memory. While 40 bills advancing positive or progressive sex education were introduced, only one has passed so far. Instead, advocates have been forced to invest time, energy, and money in holding our ground and fighting back against coordinated attacks designed to roll back civil rights, erase history, and spread hate, intolerance and fear. As of the publication of this brief, SIECUS has tracked the introduction of 67 "divisive concept" bills and 132 deceitful "parental rights" bills, including 9 bills that are classified under both categories. Additionally, we saw 108 bills aimed at limiting instruction or outright harming LGBTQ+ students.

This is a dramatic increase from last year's session with a 413% increase in "divisive concept" bills introduced alone. Often the bills we see are "copycat" bills: either the exact same as what might be run in another state and/or bills with almost the exact same language looking to test what language resonates or may be able to better deceive other lawmakers and their constituents.

The Regressive Minority has set their sights on dismantling systems working to advance equity and democracy such as attacking schools, libraries, voting rights, LGBTQ+ rights, and access to abortion.

"Divisive Concepts"

"Divisive Concept" bills are attempts to whitewash American history and prohibit education that is holistic and critically analyzes this history. This legislation seeks to restrict so-called "divisive concepts" from being taught, specifically related to race, gender, sexual orientation, and sexuality. The Regressive Minority seeks to prohibit instruction that teaches students to embrace and affirm diversity of experience and identities related to these topics because they know more accepting attitudes will challenge the existing power structures that currently exist in American society.

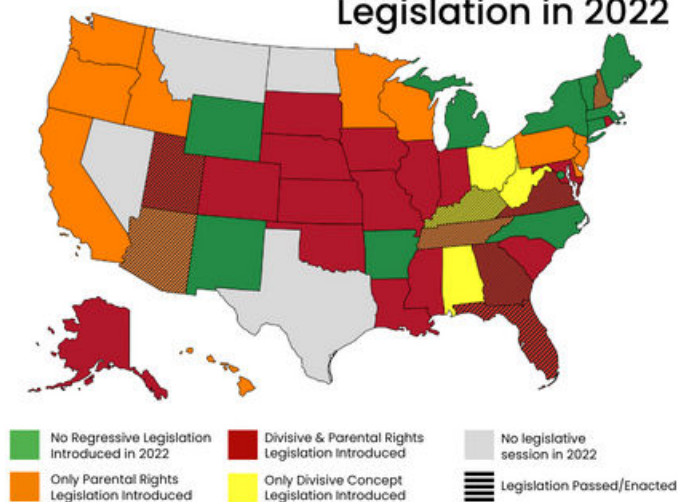
Further, efforts to enact these bans add additional burdens on teachers who are left in confusion about what they can or cannot teach students. See examples of divisive concepts here. This year, **67 of these instructional bans were introduced in 23 states.** Of these, one has passed the state’s legislature and two have been enacted.

In Kentucky, the opposition tested language through the introduction of multiple similarly worded harmful bills prohibiting instruction on “divisive concepts”, targeting transgender student athletes, and increasing parental involvement in the school system through various means. While only two of these bills actually passed, what is happening in Kentucky is a microcosm that reflects the Regressive Minority’s tactics.

"Parental Rights"

“Parental rights” bills, or rather curriculum censorship bills (sometimes called curriculum transparency bills), purportedly seek to promote parental involvement in the public education system. This disregards the fact that the U.S. public education system already offers parents many opportunities to be directly involved in their school board decisions and local schools. In reality, the Regressive Minority is using these bills to increase administrative burden on schools and censor educators by imposing obstacles that impede the teaching of evidence-based curriculum. In many cases, these bills incentivize parental litigation against the school and/or educator and add cumbersome curriculum review requests that are difficult for educators to comply with. These bills take many forms; however, some combine establishing “parents bill of rights” with efforts to restrict enrollment in sex education or restrictions on discussing sexual orientation and gender identity in schools.

Overview of Regressive Legislation in 2022



This year alone **132 of these bills have been introduced in 32 states.** Of these, three have passed by state legislatures and seven have been enacted into law.

The most known example of this is Florida House Bill 1557, also known colloquially as the “Don’t Say Gay” bill which, beyond establishing “parental rights in education”, also prohibits classroom discussion on sexual orientation and gender identity in grades kindergarten to 3.

As another example, at the start of the session in New Jersey, we saw several positive bills supporting the advancement of sex education introduced. In retaliation, a flurry of Regressive parental rights and curriculum transparency bills have been recently introduced with the intention of blocking the advancement of sex ed at the New Jersey Board of Education as they work to implement state based learning standards in sex education.

Attacks Centered on LGBTQ+ Individuals

In addition to the more broad-stroke legislative strategies mentioned above, there has also been a whole host of hateful legislation - at least 108 bills - that have been introduced and in some cases, successfully passed, across the United States that harms the LGBTQ+ community. These bills have ranged from efforts to prohibit teachers from speaking to the LGBTQ+ experience in classrooms to denying trans students the ability to play on the sports team or using the bathroom that conforms with their gender identity. These attacks threaten to roll back the progress on LGBTQ equality that national and state partners have led to fight hateful bills and advance progressive legislation that supports the LGBTQ+ community. For a complete list of legislation across the United States, please check out the legislative tracker by our friends at the Equality Federation at <https://www.equalityfederation.org/state-legislation>.

Summary

Young people who live in states without access to comprehensive sexuality information nor unfettered access to reproductive health care will be more likely to experience adverse sexual health outcomes, sexual violence, forced pregnancies, and other economic, social, and personal hardship and trauma.

The state of public education, comprehensive sex education, reproductive health care, and other inalienable rights in this country are under significant attack. SIECUS has recently updated its State Profiles that encapsulate the current state of sex education in each state. The time is now to push back on the Regressive Minority's efforts and fight for sex ed for social change.

Attacks on Schools and How it Relates to Reproductive Rights

The Regressive Minority is attacking public schools and programs on diversity and inclusion at the same time that reproductive rights in America face their greatest threat as the Supreme Court is poised to dismantle *Roe vs. Wade* and the Constitutional right to privacy for abortion care. Many of the states that are most aggressively attacking inclusive public school programs, are also "trigger states" that have draconian abortion bans ready to enact if the Supreme Court issues the currently-draft majority opinion overturning the Constitutional right to privacy for abortion care. For a complete understanding of what the state of abortion will be if *Roe v. Wade* is overturned, please check out the map by our friends at the Center for Reproductive Rights at <https://reproductiverights.org/maps/what-if-roe-fell/>.