

May 20, 2022

Ms. Amy Frost
Chair
Professional Educator Standards Board
P.O. Box 47236
Olympia, WA 98504-7236



Sent via email

Re: Comment on WAESN and EEC Ethnic Studies Pre-Proposal

Dear Ms. Frost:

The Foundation Against Intolerance & Racism (FAIR) is a nonpartisan, nonprofit organization dedicated to advancing civil rights and liberties and promoting a common culture based on fairness, understanding, and humanity. We have more than one hundred chapters and tens of thousands of members nationwide, including chapters and members throughout Washington. Our website, fairforall.org, can give you a fuller sense of our identity and activities.

FAIR submits this comment on the pre-proposal for K-12 Ethnic Studies submitted by Washington Ethnic Studies Now and the Equity in Education Coalition (the “Pre-Proposal”). We respectfully urge the Board to reject the Pre-Proposal, as well as any other proposals promoting “liberated” or “liberatory” Ethnic Studies. If accepted, they would impose sectarian influence upon the public education system, in violation of the Washington Constitution.

I. Details of the Pre-Proposal

The Pre-Proposal is based on an activist liberatory ideology. It sets forth three “essential learnings” that would form the basis of Ethnic Studies professional education in Washington public schools:

1. [B]egin to contextualize anti-Blackness, race, anti-Black bias, racism, and all forms of oppression at all levels (personally-mediated, institutional, and internal);
2. [I]dentify pedagogical practices that perpetuate oppression and transform their practice into liberatory praxis that is culturally sustaining and humanizing; and
3. [I]dentify and create culturally relevant and sustaining curricula and instructional practices that directly confront oppression and coloniality.

According to the Pre-Proposal, political activism on the part of students is required to “confront colonization and other systems of oppression” and “undo” them. Even the institution of education is not exempt, for the Pre-Proposal teaches that “systemic and personally-mediated racism work together in education systems to create internalized oppression in students of color.”

II. The Pre-Proposal Imposes Sectarian Teachings in Violation of Washington Law

The Washington Constitution demands that public education serve *all* children. “It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.” Wash. Const. Art. IX § 1. As such, public education must be entirely free of “sectarian control or influence.” Specifically, Section 4 of Article IX provides, “All schools maintained or supported wholly or in part by the public funds shall be forever free from sectarian control or influence.” Wash. Const. Art. IX § 4.

The term “sectarian” is not synonymous with “religious.” It is broader. While “sectarian” certainly includes religious organizations, it also encompasses “group[s] adhering to a distinctive doctrine or leader” or that “are limited in character or scope.” See “Sectarian,” *Merriam-Webster.com Dictionary*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/sectarian> (accessed May 19, 2022); “Sect,” *id.*, <https://www.merriam-webster.com/dictionary/sect>. That is the view of Washington State: statutory and case law repeatedly refers to “religious *or* sectarian,” indicating the terms are not the same. See, e.g., Wash. Rev. Code § 49.60.040(11) (“religious or sectarian”); *id.* § 49.60.040(10) (same); *id.* § 28A.320.035 (same); *id.* § 28B.10.040 (same); *Ockletree v. Franciscan Health Sys.*, 179 Wash. 2d 769, 774 (2014) (same).

The Pre-Proposal’s essential learnings are sectarian, for rather than being broad and liberal, they serve and promote a singular ideology: political liberation theory. Throughout, the Pre-Proposal teaches the prevalence of “coloniality” and “systems of oppression” which must be decolonized through “liberatory praxis.” It furthers the ideological belief that the United States and its social, economic, and legal institutions are systems designed and maintained in order to oppress, subjugate, and “colonize” individuals “of color.” With its overarching emphasis on power and domination, the Pre-Proposal is also premised on the belief that history and societal relations ought to be primarily understood as a struggle for power between and among various identity groups: “white” vs. “black,” “white” vs. “Latino,” oppressor vs. oppressed, and so forth. And the way out, according to this set of beliefs, is through the liberatory praxis of decolonization. It is a given that abuse of power is part of the human story. But the belief that power is indisputably the *predominant* organizing principle of societal relations that must be rectified through decolonization is a sectarian one.

The sectarian nature of liberated Ethnic Studies is further apparent from the political activism it demands. Liberatory theory such as that envisioned by the Pre-Proposal does not encourage students to pursue any relevant social goal they deem worthy, such as unifying endeavors that emphasize our common humanity over our different skin colors or advocate for a “raceless” society. Rather, the activism of liberatory Ethnic Studies is for the express purpose of centering one’s “race” and opposing “Western epistemology and domination.”¹ Educators are charged with engaging students in “resistance activities,” organizing within

¹ *Liberated Ethnic Studies Model Curriculum Coalition*, https://www.liberatedethnicstudies.org/uploads/1/6/1/9/16198322/lesmc_intro_to_chapter_1.pdf, at p. 14 (“With its decolonizing activist origins, Ethnic Studies goes beyond the academy to achieve broader social change.... [Ethnic Studies] opposes Western epistemology and domination, and provides the vision and tools for activism and

their own communities, and other forms of political action to dismantle oppressive systems as identified by their Ethnic Studies educators.²

Calls for decolonization are not the product of widely-shared non-sectarian beliefs. They are borne from the particular doctrine that ethnic groups “of color” must liberate themselves from oppressive “white” dominance that has corrupted society at virtually every level. A public education system can certainly present liberatory theory as one belief among many, in the same way it could teach that some individuals believe in a god called Allah while others believe in a god called Christ without favoring one over the other. However, elevating liberatory theory as *the truth* would be to incorporate sectarian beliefs and sectarian activism into public education. The Washington Constitution forbids that.

III. Conclusion

One cannot and ought not deny the reality of past and present injustices that must be redressed. However, incorporating sectarian liberatory beliefs into compulsory public education in an attempt to achieve that goal is unconstitutional. WAESN and the EEC are free to establish or seek out private institutions to promote political liberation theory. They may not do so in Washington’s public education system, which must remain a non-sectarian system for all children.

FAIR urges the Board to reject the Pre-Proposal.

Respectfully submitted,

The Foundation Against Intolerance & Racism

cc: Prajakta Deshmukh (prajakta.deshmukh@k12.wa.us)

community empowerment (Omatsu 2016, 170–172). The decolonizing and transformative activist foundation of Ethnic Studies makes social change inseparable from the discipline and its epistemology.”).

² *Id.* at p. 16 (liberated Ethnic Studies educators “should provide students with opportunities to engage in...civic activities, community organizing, participatory action research and service learning...and resistance activities directed at changing oppressive systems.”).