



FOUNDATION  
AGAINST  
INTOLERANCE  
& RACISM

November 21, 2023

**Office of Administrative Hearings Administrative Law  
Judge Eric Lipman, Presiding Judge OAH Docket No. 8-9005-37919  
Minnesota Rules: Chapter 3501 Revisor ID: R-4733 Re:**

**RE: Comments on Proposed Amendment to Rules Governing K-12 Academic Standards in Social Studies**

**Submitted by David J. Ferrero, Ed.D.,  
Education Fellow  
Foundation Against Intolerance and Racism**

I am an Education Fellow at the Foundation Against Intolerance and Racism writing in support of Minnesota-based organizations that object on statutory grounds to the Ethnic Studies strand in the draft social studies standards submitted by the Minnesota Department of Education (MDE). FAIR is a nonpartisan organization dedicated to advancing civil rights and liberties for all, and promoting a common culture based on fairness, understanding, and humanity. I am a 25-year school reform veteran and former high school ELA and social studies teacher. I hold a graduate degree in American Cultural Studies, an interdisciplinary field that subsumes Ethnic Studies and its cognates.

I would like to preface my remarks by emphasizing that I have no categorical objection to the teaching of Ethnic Studies in K-12 schools. As a recognized field of study with a distinct theoretical approach and methodological toolkit for conducting social and historical analysis, it merits a place alongside competing theoretical and methodological approaches. I have elsewhere proposed revisions to high school English curricula that would make room for ethnic studies (Ferrero, D J. "Dethroning Literature," *English Journal*, November 2020). I also recognize that the Minnesota legislature now mandates the inclusion of Ethnic Studies in revised academic standards. The standards under consideration nonetheless conflict with other statutory requirements as outlined in **Minnesota Statutes 120B.021**.

You have no doubt encountered objections to the Ethnic Studies standards' grounding in a set of ideological commitments collectively known as Critical Social Justice, which are characterized by a preoccupation with *Identity* as pertains to race, ethnicity, sexuality, and gender, viewed through a lens of *Power and Oppression* for the purpose of nurturing *Resistance* in the form of collective political action aimed at social transformation. I agree with the criticism that mandating this ideological framework over competing frameworks, as the proposed MDE social studies standards do, is tantamount to political indoctrination. That it violates **Minnesota**

**Statutes 120B.021, subdivision 2(b)(1)**, which requires academic standards to be objective, strikes me as self-evident.

But I would like to highlight a parallel problem that may seem less self-evident: It mandates one *scholarly* approach to social analysis over competing approaches, in violation of **Minnesota Statutes 120B.021, subdivision 2(b)(2): “Academic standards must not require a specific teaching methodology or curriculum.”**

Though Ethnic Studies was born of political activism, it is recognized in the academy as an academic field of study, with its own degree programs, conferences, journals, theories, methods, and technical vocabulary. And as I mentioned above, Ethnic Studies embodies a *particular* academic theory and set of tools within the social sciences for interpreting historical and social phenomena. The wording of the proposed Ethnic Studies standards—including terms and phrases such as “the ways power and language construct,” “marginalized, erased, or ignored,” “systemic...power,” “ways of knowing,” and “systems of oppression”—reflect Ethnic Studies’ distinctive social theory and specialized vocabulary.

But Ethnic Studies is just one of many recognized academic approaches to social and historical studies. Its social theory, for example, coexists and competes with Functionalism, Conflict Theory, Symbolic Interaction Theory, Sociobiology, and Feminism, among others. Competing approaches to US history include Consensus, Progressive, Neo-Whig, New Left, and Cliometric. These different approaches yield different interpretations of the social or historical phenomena under study, including racial conflict, ethnicity, social inequality, sexuality, gender roles, indigeneity, and other Ethnic Studies preoccupations. For example:

### *Social Theory*

Ethnic Studies views the phenomenon known as *cultural appropriation*—the borrowings and blendings of certain features of different cultures—as a form of exploitation and domination by a dominant culture over a minority culture. In this social theory, cultural appropriation occurs when the dominant culture takes elements of the minority culture and uses them for their own benefit. It is a form of theft, and a symptom of a larger problem of social domination that can only be addressed by challenging the power structures that perpetuate it. (Jackson, L. M. (2019). *White Negroes: When Cornrows Were in Vogue, and Other Thoughts on Cultural Appropriation*. Beacon Press.)

However, according to Functionalist and most other sociological and anthropological approaches, all cultures borrow and adapt elements from other cultures, and this process is necessary for cultural growth and development. In this view cultural appropriation is a natural and inevitable part of cultural exchange that promotes greater understanding and respect between cultures. (Puchner, M. (2021). *Culture: The Story of Us, From Cave Art to K-Pop*. W. W. Norton & Company.)

### *History*

The *New York Times 1619 Project* applies the theoretical lens and historical methods of Ethnic Studies to a reinterpretation of US history. One of the more well-known examples is the claim by

its authors that the American Revolution was fought primarily for the preservation of slavery against British efforts to abolish it. According to this historical approach, the US Constitution is a pro-slavery document crafted to uphold White Supremacy. (Hannah-Jones, N., et al. (2021). *The 1619 Project: A New Origin Story*. One World.)

According to so-called Neo-Whig historians, however, the Revolution was born out of a profound transformation in how people understood themselves in relationship to their government and each other—from *subjects* embedded in fixed social hierarchies to confraternal *citizens* with certain fundamental rights as persons—which marked the beginning of a new era of expanding civil and human rights under republican (later democratic) government. It was a radical break with the past whose implications are still being worked out to the present day. Neo-Whig and other historians read the US Constitution as an anti-slavery document whose time-limited concessions to slaveholders actually illustrate the Framers' commitment to this radical understanding of human dignity and equality. (Wood, G. S. (1993). *The Radicalism of the American Revolution*. Vintage Books; Wilentz, S. (2019). *No Property in Man: Slavery and Antislavery at the Nation's Founding*. Cambridge: Harvard University Press.)

In short, to mandate Ethnic Studies in the social studies standards as MDE proposes implicitly endorses *one way* of interpreting complex sociohistorical phenomena at the expense of other equally valid approaches, leaving students with an impoverished understanding of those phenomena and limited set of conceptual tools for analyzing them. Worse, MDE's proposal does so arbitrarily, without acknowledgement that these other perspectives even exist. It could just as arbitrarily mandate Sociobiology or Cliometrics. In addition to being ethically and professionally dubious, it appears to be a clear violation of **Minnesota Statutes 120B.021, subdivision 2(b)(2): "Academic standards must not require a specific teaching methodology or curriculum."**

Thank you for the opportunity to comment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Ferrero', with a long horizontal flourish extending to the right.

David J. Ferrero, Ed.D.