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What We Teach Is Who We Become: A Historical Exploration and Legislative Comparison of States' History Curricula Incorporating Black Experiences in America

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The killings of George Floyd and Breonna Taylor sparked a resurgence in the #BlackLivesMatter (#BLM) movement.¹ Protestors took to the streets during a global pandemic to demonstrate that the cycle of police brutality against Black and Brown bodies must come to an end.² As protestors took to the streets of major cities and small suburban White communities, it was clear to onlookers and participants that the list of unarmed killings did not start nor end with George Floyd and Breonna Taylor.³ The #BLM movement calls for justice in the name of those that have been killed at the hands of police.⁴ However, the movement in addition to fighting for reforms in policing, also calls for reform in other institutions where racism against Black individuals has resulted in unequal treatment.⁵ Allies and sister organizations in agreement with the objectives of the #BLM movement are pushing for reform education as a sustainable solution to fighting racism and inequity in the United States.

In the very difficult fight for equal rights in America, one area that shows promise is education. This was apparent when protestors and allies called for non-white allies and adversaries to "educate" themselves of structural and systematic racism against Black individuals in America.⁶ The question among many Black individuals and allies as a response became, "Why didn't we learn this in school?"

¹ Evan Hill, Ainara Tiefenhaler, Christiaan Tribert, Drew Jordan, Haley Willis & Robert Stein, *How George Floyd Was Killed in Police Custody*, N.Y. Times (May 31, 2020), https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html. *Breonna Taylor: What Happened on the Night of Her Death?*, BCC NEWS (Oct. 8, 2020), https://www.bbc.com/news/world-us-canada-54210448.

³ Clarence Taylor, *INTRODUCTION: AFRICAN AMERICANS, POLICE BRUTALITY, AND THE U.S. CRIMINAL JUSTICE SYSTEM*, 98 U. Chi. Press 200, (Spring 2013) (dating entrenched bias and violence against Black Americans to the early 20th century).

⁴ BLACK LIVES MATTER, *BLM DEMANDS*, https://blacklivesmatter.com/blm-demands/ (last visited May 1, 2021).

⁵ *Id*.

⁶ Eliott C. McLaughlin, *How George Floyd's Death Ignited a Racial Reckoning that Shows No Signs of Slowing Down*, CNN (Aug. 9, 2020), https://www.cnn.com/2020/08/09/us/george-floyd-protests-different-why/index.html.

Founders, like John Adams, believed that a widespread education was integral to the very existence of a republican government. In early essays, Adams described the strong correlations between ignorance and oppression and conversely between knowledge and liberty. In his *Thoughts on Government*, Adams wrote, "Laws for the liberal education of youth, especially of the lower class of people, are so extremely wide and useful, that, to a humane and generous mind, no expense for this purpose would be [too] extravagant."

In W.E.B DuBois's *The Souls of Black Folk*, Du Bois wrote that the problem of the 20th century was the issue of race. DuBois was an American civil rights activist, sociologist, and educator of the early 20th century. He was a founder of the Niagara Movement which was an African American protest group of scholars and professionals. Through his activism, DuBois urged young Black scholars to pursue education at prestigious, then all-White, institution. His contributions to sociology was his writings on the "double veil"—the existence of a color line that separated White and Black individuals and the effect that had on how Black individuals were viewed in society, and how Black individuals viewed themselves. *Supra*. DuBois claimed that the color line was the greatest issue of the 20th century. I now would argue that race continues to be the chief problem of the 21st century because our public history fails to account for and fails to address Black experiences in the United States. He would be sociologist, and how Black experiences in the United States.

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⁷ Richard B. Berstein, *John Adam's Thoughts on Government, 1776*, N.Y.L.S. 1012 (1990), https://digitalcommons.nyls.edu/fac_articles_chapters?utm_source=digitalcommons.nyls.edu%2Ffac_articles_chapters%2F1012&utm_medium=PDF&utm_campaign=PDFCoverPages.

8 *Id.* at 1015.

⁹ W.E.B. DuBois, *The Souls of Black Folk: Essays and Sketches*, Chi. A. G. McClurg (1903), N.Y.: Johson Reprint Corp. (1968) ("The problem of the twentieth century is the problem of the color line.").

¹⁰ NAACP, W.E.B. Du Bois, https://www.naacp.org/naacp-history-w-e-b-dubois/, (last visited May 1, 2021).

¹¹ *Id*.

 $^{^{12}}$ Id

¹³ The "Black experience" is meant to encapsulate not only oppression of and enslavement of Black Americans but also the celebration and triumphs of freedom and progress made by Black individuals in the United States.

This paper aims to exam the importance and purpose of teaching a more inclusive history of the United States. An inclusive history curriculum refers to teaching United States history not just from the perspective of White colonists, White Presidents, and White authors. Instead, a more inclusive history accounts for not only the experiences of enslaved non-white individuals, Civil Rights leaders, and community organizers, but teaches from literature written about nonwhite experiences from non-white perspectives. This paper will address the different approaches to teaching Black history in schools from tokenism to interwoven narratives alongside the history of the Founding Fathers. I will explore the history curricula in New Jersey, Massachusetts, Texas, and Oklahoma examine to what extent the Black experiences are included in today's public education. Ultimately, this paper is an argument for a more inclusive teaching of American history—for as the saying goes, "those who do not learn from history are doomed to repeat it." At the conclusion of this paper, I will assess the strengths and weakness of the four states' curricula as well as the efforts that accomplished their current curriculums. This paper also explores the possibility of a national curriculum that promotes the teaching of Black experiences in public school classrooms.

Why History Matters

In *Brown v. Board of Education*, the Supreme Court of the United States overturned its ruling in *Plessy v. Ferguson*, holding that "separate but equal" did not have a place in public education. ¹⁵ The Court in *Brown* found the Plaintiff's argument compelling as to the

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¹⁴ Virginia Tech, *History Repeating*, College of Liberal Arts and Human Sciences, https://liberalarts.vt.edu/magazine/2017/history-repeating.html ("Variations on the repeating-history theme appear alongoida debates about attribution. Irish states man Edmund Burke is often misquoted as houring said "Those who

alongside debates about attribution. Irish statesman Edmund Burke is often misquoted as having said, "Those who don't know history are destined to repeat it." Spanish philosopher George Santayana is credited with the aphorism, "Those who cannot remember the past are condemned to repeat it," while British statesman Winston Churchill wrote, "Those that fail to learn from history are doomed to repeat it.").

¹⁵ 347 U.S. 483 (1954) (This decision is referred to as "Brown I.")

psychological effects segregation and separation by race has on a Black child's view of themselves. ¹⁶ In the *Brown I* case, the Court reviewed the expert testimony presented by the Plaintiff—a psychologist asked Black children to pick one of five dolls they wanted to play with. Overwhelmingly, Black children did not want to play with Black dolls and found the White dolls to be "good" and "beautiful." *Brown*'s holding aimed to eliminate segregation from public schools and equalize the playing field.

A year later, in *Brown II*, the Court convened to issue directives which were meant to help implement its decision in *Brown I*.¹⁷ Busing was held to be an appropriate measure to take to bring Black students to White schools. Each district was tasked with creating a de-segregation plan, and even to this day there are desegregation orders in certain districts because of the school's racial makeup. The Supreme Court in *Board of Education of Oklahoma City Public Schools v. Dowell*, held that a federal court may deem an injunction to desegregate schools has achieved its goals and dissolve it when a district court finds "that the school system was being operated in compliance with the Equal Protection Clause, and that it was unlikely that the Board would return to its former ways." In the subsequent case of *Freeman v. Pitts*, the Supreme Court again addressed the issue of court oversight over desegregation when it held that a district court "must only maintain control over a school system in the categories in which it failed to abide by its court-ordered desegregation plan." Therefore, the limits of judicial oversight were within desegregation injunctions—meaning that the involvement of the courts only dealt with the

¹⁶ Kenneth K. Wong & Anna C. Nicotera, "Brown v. Board of Education" and the Coleman Report: Social Science Research and the Debate on Educational Equality, 79 Peabody Journal of Educ. 122 (2004), https://www.jstor.org/stable/1493326.

¹⁷ 349 U.S. 294 (1955).

¹⁸ 498 U.S. 237 (1991).

¹⁹ 503 U.S. 467 (1992).

reorganization of schools to integrate—not its effects on students, teachers, parents, or the community at large.

This line of Supreme Court cases aimed to eliminate the stigma of *de jure* segregation.²⁰ However, the result of desegregation has in many ways, perpetuated, and replicated stigma towards Black students. The orders to bus Black children to White schools effectively closed Black schools and communities.²¹ The Supreme Court in its goal had assumed that White schools were better than Black schools and desegregation orders overwhelming bused Black children to White neighborhoods rather than White children to Black neighborhoods.²² Once celebrated and taught by Black teachers, increasingly, Black students now faced new stigma in White classrooms taught by White teachers.²³ This meant that not only did peers and superiors outwardly or implicitly discriminated against Black students, but the material curated by White teachers often differed what Black students were taught in their local districts.²⁴ Therefore, in creating a stigma-free classroom, it is important to see how the *Brown* decision itself was only the first step in revitalizing and freeing the U.S. from its history of inequality and racial separation.

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²⁰ The Ed Advocate, *What Are De Jure and De Facto Segregation*, https://www.theedadvocate.org/edupedia/content/what-are-de-jure-and-de-facto-segregation/#:~:text=De%20jure%20segregation%2C%20or%20legalized,care%2C%20from%20residences%20to%20libraries (last visited Apr. 22, 2021) (De jure segregation refers to "legalized segregation" of Black and White people, which was most present in the South during the Jim Crow Era from segregation on public transportation, cemeteries, prisons, health care, residences, and water fountains).

²¹ Kevin D. Brown, *Has the Supreme Court Allowed the Cure for De Jure Segregation to Replicate the Disease?*, 78 Cornell L. Rev. 1 (1992).

²² *Id*. at 7.

²³ *Id.* at 9.

²⁴ *Id.* at 11.

Overview of Curriculum Planning

Each school district has its own process for creating curricula. Usually, school boards are tasked with designing a curriculum that furthers "legitimate pedagogical concerns." State and federal governments may provide guidance in designing school curriculum. The definition of "legitimate pedagogical concerns" is weighed against considerations of student and teacher free speech and the virtues of education.

Even though the curricula of a school are a local issue, there has been a growing trend toward the standardization of primary and secondary school education. Currently, there is no national curriculum that all school districts are required to teach. Instead, there has been an emergence of private organizations such as Advanced Placement (AP) provided by College Board and the National assessment of Education Progress (NAEP) that provide examinations for students and districts to try and measure their grades compared to other districts in and outside of their state. For AP Examination, even though there is not a standardized education, schools are provided with materials students will be expected to know. There are shortcomings of these examinations related to their effectiveness in teaching long-lasting information as well as disparities in which students and schools have access to the preparatory college pre-exams.

As to the effectiveness of the AP examinations, many students who are successful in these courses already have background and prior achievement in the subject matter being

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²⁵ Hazlewood School District v. Kuhlmeier, 484 U.S. 260 (1988) (The Supreme Court held that the following are grounds for censorship by the school: material that is "ungrammatical, poorly written, inadequately research biased or prejudiced, vulgar or profane or unsuitable for immature audiences;" potentially sensitive topics; "speech that might reasonably be perceived to advocate drug or alcohol use, irresponsible sex, or conduct otherwise inconsistent with the 'shared values of a civilized social order;'" and material that would "associate the school with anything other than neutrality on matters of political controversy").

tested.²⁶ The focus in these courses is to teach the students to pass the exam. This approach differs from courses that do not have to teach to a test and instead can be adapted around student and teacher interests. In addition, conversations that dive into the nuance of the material are not common to the AP classroom because time is precious in these courses.²⁷ Instead of the teacher administering the lessons as he or she sees fit, they must instead move through a full curriculum to get through all the tested material.²⁸ Therefore even though topics such as slavery, the Civil Rights Movement, and segregation are tested on the AP U.S. History Exam, they are taught and tested in a manner that does not allow for much student or teacher exploration.

In addition, the AP Exam also provides for a growing educational disparity between White and Black students. In a study analyzing the test scores of Black students on AP exams in Texas, New York, and Florida from 1997 to 2012 the cost effectiveness ratios—the ratio of passing score costs to failing score costs—were negative for every year for Black students in all three states. This meant that the funding invested in providing access to AP programming was not correlated to a positive outcome of these students being able to pass the AP Exam to earn college credits—making the investment cost effective for students. The study argued that it would be more cost effective for the education of these students for funds to be invested into other forms of education rather than continued stigmatization and lacking curriculum for exams

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²⁶ Dong Wook Jeong, *Student Participation and Performance on Advanced Placement Exams: Do State-Sponsored Incentives Make a Difference?* 31 Educational Evaluation and Policy Analysis 346 (2009), https://journals.sagepub.com/doi/abs/10.3102/0162373709342466.

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²⁹ Carolyn A. McBride Davis, John R. Slate, George W. Moore & Wally Barnes, *Advanced Placement Exams, Incentive Programs, and Cost Effectiveness: A Lack of Equity and Excellence for Black Students in Texas, New York, and Florida*, 84 Journal of Negro Educ. 139 (2015), https://www.jstor.org/stable/10.7709/jnegroeducation.84.2.0139.

that required background knowledge in the subject matter to succeed.³⁰ However, such a study is limiting in the fact that access to AP Exams is not widespread in all public school systems.

The Black Studies Movement

The Black Power movement in 1960s America not only challenged White hegemonic political and social settings, but it also helped redefine African Americans' identity and established a new racial consciousness.³¹ This new racial consciousness helped inspire Black empowerment and pride. It led to the development of a discipline known today as "Black Studies."32 Black Studies means a curriculum dedicated to discussing race in America from Black voices. As one of its main components, Black Studies focuses on critical race theory as a pillar in its discourse. Critical race theory is a way of examining U.S. society and history that acknowledges how racism has driven and continues to drive inequity.³³ Teachings in Black Studies analyze not only history, but the power dynamics between races that influences inequity and inequality between Black and White individuals.³⁴ Kimberlé Crenshaw has defined it, "[as] an approach to grappling with a history of white supremacy that rejects the belief that what's in the past is in the past, and that the laws and systems that grow from the past are detached from it."35 The Black studies movement and curricula was a direct response to predominately White higher education institutions teaching only to the experiences of White and Westernized literature and history. ³⁶ Over the year, Black Studies has developed into an entire area of study that college students can major in. At its inception, Black Studies was often one or two courses

³⁰ *Id.* at 143.

³¹ Fabio Rojas, From Black Power to Black Studies: How a Radical Social Movement Became an Academic Discipline (John Hopkins U. Press) (2010).

³² *Id.* at 12.

³³ *Id.* at 34.

³⁴ *Id*.

³⁵ *Id.* at 33.

³⁶ *Id*.

taught at the university. The separation of the histories and stories of Black individuals is reflected in K-12 public schools' adoptions of Black History month in the sense that both are treated as additional or stand-alone history to consider and highlight for a time, and then return to the main curriculum of social studies.

The Black Studies movement has evolved to encourage educators to incorporate Black experiences in teaching history, literature, and art. Rather than tokenizing individuals who were part of the Civil Rights movement like Martin Luther King, Jr., Black Studies curricula seek to engage in the teachings of numerous Black activists and scholars, and in doing so also discuss prevalent systemic racism. In analyzing curricula adopted and proposed in public school educations, I will be looking towards a model social studies and history curricula that emulates the objectives of Black Studies in higher education by: (1) centering Black experiences as told by Black voices; (2) incorporating critical race theory; and (3) integrating into entire history curricula versus a single unit or discrete month.

Current Curricula in States: History of Slavery, Reconstruction, and the Civil Rights Movement

The following sections each focus on a specific state analyzing state initiatives as well as local district initiatives to incorporate teachings of Black history and critical race theory into public school curricula. To briefly introduce each state, I provide a concise racial history from its founding to the Civil Rights Era. The purpose of including the state history is to discuss and analyze whether the local initiatives look to the local racial history of their state in its education. The section then moves to discuss any legislation introduced and passed by state legislatures for more inclusive history and social studies curricula. Within this analysis I will also discuss any opposition to such bills and the reasoning behind the opposition.

New Jersey

One of many myths around Black history in the United States is that the North was more progressive and more welcoming to Black individuals compared to the South. However, New Jersey was the last Northern state to abolish slavery in 1804.³⁷ Even post-abolition, the shift to a non-slave-holding state was gradual, as it took New Jersey legislatures more than twenty years to eliminate slavery.³⁸ In addition to a shared legacy of slavery, New Jersey too had a civil rights movement against segregation laws. There was Black rebellion, civil unrest, and protest in the cities of Newark and Jersey City against segregation and discrimination in work, school, housing, and policing of Black bodies.³⁹

To not only address its local history with disenfranchisement and discrimination against Black individuals, on August 27, 2002, Governor of New Jersey, Jim McGreevey signed into law Amistad. The Amistad law calls on New Jersey schools to incorporate African American history into their social studies curriculum. ⁴⁰ Part of this legislation created the "Amistad Commission" to ensure that the state Department of Education and public schools in New Jersey implement materials and texts which "integrate the history and contributions of African-Americans and the descendants of the African Diaspora." The goals of the Amistad law are as follows:

(1) to infuse the history of Africans and African-Americans into the social studies curriculum in order to provide and accurate, complete and inclusive history;

(2) to ensure that New Jersey teachers are equipped to effectively teach the revised social studies core curriculum content standards; and

³⁷ Durand-Hedden House and Garden Ass'n. Inc., *Slavery in New Jersey: A Troubled History* (2019), https://www.durandhedden.org/docs/juneteenth-exhibit.pdf.

³⁹ The Civil Rights History Project: Survey and Collections and Repositories, Komozi Woodard Amiri Baraka Collection, https://www.loc.gov/folklife/civilrights/survey/view_collection.php?coll_id=837 (last visited Mar. 26, 2021).

⁴⁰ Official Site of the State of New Jersey, The Amistad Commission, https://www.nj.gov/education/amistad/about/ (last visited Mar. 13, 2021).

⁴¹ *Id*.

(3) to create and coordinate workshops, seminars, institutes, memorials and events which raise public awareness about the importance of the history of African-Americans to the growth and development of American society in global context.⁴²

The Amistad Commission describes its curriculum as centering African and African Americans "rather than as bystanders or victims who live on the margins of the United States and the world." The goals of the Amistad Commission are to change the landscape from "inclusion to infusion." Instead of only focusing on revolutionaries like George Washington, Henry Ford, and Woodrow Wilson in their own right, but it demands focusing on how their actions influenced power in the United States as well as shine light on Black Americans who have also made their mark on the creation and expansion of the U.S. government. This curriculum is not only meant to be included in the current K-12 U.S. history classes, but to encourage separate courses on African Americans as standalone history classes under the umbrella of U.S. History.

This New Jersey curriculum has been dubbed "progressive" for it "challenges [these] racist falsehoods and fabrications about Black people and Afrikan/African American history in the classroom. It forces educators to eliminate racial myths about Black people in the classroom." Part of the benefit of the Amistad Commission is that it includes community activists and educators in its drawing rooms—allowing for members of the community to be a part in educating the new generation instead of continuing a white-washed history. However, "the change has been slow" in its implementation. More recently, in 2019, Governor Phil

⁴² *Id*.

⁴³ New Jersey Amistad Curriculum, *About Amistad Commission*, http://www.njamistadcurriculum.net/about (Last visited Mar. 22, 2021).

⁴⁴ *Id*.

⁴⁵ *Id*.

⁴⁶ Id.

⁴⁷ Bashir Muhammad Akinyele, *New Jersey's Amistad Law Marches to Dismantle White Supremacy*, Newark NJ Patch (Oct. 29, 2020), https://patch.com/new-jersey/newarknj/new-jersey-s-amistad-law-marches-dismantle-white-supremacy.

⁴⁸ *Id*.

⁴⁹ *Id*.

Murphy announced that public school teachers "will get to travel to sites associated with the slave trade to learn how to better teach black history throughout the entire school year." The purpose of the Amistad law is not only to embrace Black excellence but also to expand teaching about Black lives outside of the month of February. In 2020, first grade teacher, Tamar LaSure-Owens garnered much praise for teaching Black history "every month." As far as implementation goes, out of New Jersey's 600 school districts it is unclear how many abide by the proposed Amistad curriculum. State Education Commissioner, Lamont O. Repollet has said that failure to comply with the Amistad law can provide negative points in a district's state evaluation.

Massachusetts

Just like New Jersey has its own unique history with Black slaves and individuals, so does the state of Massachusetts. In 1752, Black individuals made up ten percent of Boston's population.⁵⁴ Race relations in Massachusetts were largely shaped by the beliefs held by Puritan missionaries.⁵⁵ However, even though early settlers were quick to dispel the evils of slavery, during the Civil Rights Movement in Boston, residents were even quicker to dispel that prejudice plagued the city. In a statement made by the city desk editor of Boston when the *New York Post*

⁵⁰ Rann Miller, New Jersey Enforces Its Amistad Law, Education Next (Nov. 21, 2019),

https://www.educationnext.org/new-jersey-enforces-amistad-law-teaching-slavery-african-american-history/.

⁵¹ Melanie Burney, *Black History is Every Month at this New Jersey School*, Phila. Inquirer (Feb. 8, 2020), https://www.inquirer.com/news/nj-amistad-curriculum-black-history-pleasantville-20200225.html.

 $^{^{52}}$ *Id*.

⁵³ Id.

⁵⁴ Massmoments, *Timeline of Slavery in Massachusetts*, massmoments.org (last visited Mar. 14, 2021).

⁵⁵ *Id*.

requested to go to Boston in 1963 to report on the Civil Rights Movement, the remark was "What have Negroes in Boston to complain about?"⁵⁶

In the February edition of *YW Boston*, the paper reported that the history of slavery taught to middle school students was limited to the month of February—AKA Black History Month. ⁵⁷

The article focused on how the materials used to teach a 7th grade class during Black History Month demonstrated the lack of a non-white perspective on the slave trade. The school was teaching worksheets describing the "Triangular Trade rather than a deeper and more involved dive into the Black experience in America." ⁵⁸ More so than lacking historical nuance, the worksheet "unmistakably place[s] Europeans as the protagonists in this story of western expansion." ⁵⁹ The worksheet then goes on to explain that because Native Americans were "unreliable ... human beings living in 15th century Africa as 'goods who were used to a tropical climate and could be worked very hard on plantations or in mines." ⁶⁰ The issue with this is "the authors try to teach slavery without placing blame on Europeans or racism. In fact, they try to create sympathy for them."

In July 2019, Massachusetts legislature attempted to enact a law like New Jersey's Amistad Law. House Bill 581 would require every school to teach students about the events of Black history from the slave trade to the present-day impacts of slavery on our society. 62 Along

⁵⁶ Audrea Jones Dunham, *Boston's 1960s Civil Rights Movement: A Look Back*, Open Vault, G.B.H., https://openvault.wgbh.org/exhibits/boston civil rights/article (last visited Mar. 12, 2021).

⁵⁷ YW Boston, *We are Still Teaching Black History Month Incorrectly*, (Feb. 24, 2020), https://www.ywboston.org/2020/02/we-are-still-teaching-black-history-month-incorrectly/.

⁵⁸ *Îd*.

⁵⁹ *Id*.

⁶⁰ *Id*.

⁶¹ *Id*.

⁶² Jodi Reed, *Legislators Want to Update Black History Curriculum at Massachusetts Schools*, W.W.L.P. News (July 9, 2019), https://www.wwlp.com/news/state-politics/legislators-want-to-update-black-history-curriculum-at-massachusetts-schools/.

with a more inclusive curriculum including the Black experience, the bill would have also provided racial sensitivity training for students at the state's public colleges. However, on December 3, 2020 the Bill did not gain enough support to pass.⁶³

Instead of a state-mandated curriculum, Boston Teachers Union has organized and created resources for furthering a diverse teaching of history in public schools.⁶⁴ Therefore the inclusion or exclusion of an inclusive teaching of U.S. history remains in the hands of individual teachers and their efforts in their local school districts in the state of Massachusetts.

Oklahoma

The state of Oklahoma because of its makeup, too, possesses a different history with slavery and segregation. Unlike the histories of New Jersey and Massachusetts with colonists owning slaves, in Oklahoma, another marginalized group—the Cherokees— "were the largest holder of Africans as chattel slaves. By 1860 the Cherokees had 4,600 slaves." Black businesses started to emerge in 1905 resulting in Oklahoma becoming home to more historically all-black towns than any other U.S. state. In these towns and cities came the wealth and success of "Black Wallstreet" in Tulsa, Oklahoma. In these towns residents lived relatively free of racial brutality and prejudice often experience by Black Americans living in racially mixed towns and cities. On June 1, 1921, mobs of White residents attacked Black residents and Black-

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⁶³ Legiscan, MA H581, https://legiscan.com/MA/text/H581/2019

⁶⁴ Boston Teachers Union, *Black History Month Resources*, https://btu.org/blackhistory/ (last visited Apr. 8, 2021).

⁶⁵ Oklahoma Historical Society, Slave Revolt of 1842,

https://www.okhistory.org/publications/enc/entry.php?entry=SL002 (last visited Mar. 3, 2021).

⁶⁶ Tara Aveilhe, Oklahoma: Home to More Historically All-Black Towns than Any Other U.S. State, U. Tulsa (March 16, 2018), https://humanities.utulsa.edu/oklahoma-home-historically-black-towns-u-s-state/.

⁶⁷ Editors of Britannica, Black Wall Street, Neighbourhood, Tulsa, Oklahoma,

https://www.britannica.com/place/Black-Wall-Street (last visited Apr. 30, 2021) ("Black Wall Street, former by name of the Greenwood neighborhood in Tulsa, Oklahoma, where in the early 20h century African Americans had created a self-sufficient prosperous business district.").

68 *Id.*

owned businesses in Tulsa, Oklahoma.⁶⁹ The lawsuit against the city demanded repairs for damage caused by the attacks in 1921 that killed nearly 300 Black individuals and destroyed 40 blocks of the Black district, Greenwood.⁷⁰ The aftermath of the massacre resulted in 10,000 individuals left homeless.⁷¹

This historical event on Oklahoma's own land may have led the Oklahoma State

Department of Education to adopt Tulsa schools' new standards for teaching about this event and others important to understanding U.S. history. A new standard for teaching about the Tulsa Massacre was developed by teachers. For example, teachers in Oklahoma urged that labeling the event as a "massacre" was more appropriate than what it was previously referred to—a riot. Uther than the two labels and deciding which one is more appropriate in describing the event. In addition, ninth and eleventh grade students are tasked with researching survivors of the Tulsa Massacre to learn from their firsthand accounts of the violence they lived through in 1921. However, it was back in 2002 when the state of Oklahoma required teaching about the massacre. Prior to that, the massacre was not largely discussed until a commission was formed in 1997 to investigate the occurrences that took place almost seventy

⁶⁹ Maria Cramer, *Tulsa Massacre Survivors Sue City Nearly 100 Years After Massacre*, N.Y. Times (Sept. 1, 2020), https://www.nytimes.com/2020/09/01/us/tulsa-race-massacre-

 $lawsuit.html\#: \sim : text = Nearly\%20100\%20 years\%20 after\%20 white, for\%20 the\%20 losses\%20 they\%20 endured.$

⁷⁰ *Id*.

⁷¹ *Id*.

⁷² Ken Miller & Michael Melia, *How Black History is Taught in Schools Faces New Scrutiny*, A.P. News (June 18, 2020) https://apnews.com/article/f71e9e3da209d2ff09bbaad5b574b2d3.

⁷³ *Id*.

⁷⁴ *Id*.

⁷⁵ *Id*.

⁷⁶ *Id*.

⁷⁷ *Id*.

years ago.⁷⁸ The adoption of new guidelines for teaching and discussing the Tulsa Massacre is an example of how a local approach was used at the state level.

To retain control in educating its citizens, in 2015 the Oklahoma legislature approved a bill that would cut funding for AP U.S. History classes. ⁷⁹ Representative Dan Fisher introduced this bill stating that the AP U.S. History curriculum "emphasizes what is bad about America and doesn't teach American exceptionalism." ⁸⁰

Oklahoma legislative committee overwhelming approved a bill that would cut funding for the teaching of AP U.S. History. The battle ensues over documents the state of Oklahoma would want included in the AP U.S. History curriculum. The battle between what the state of Oklahoma sees as the correct thematic approach of history and the AP U.S. History teaching and testing of U.S. History. Oklahoma was not alone in trying to decrease the influence of AP courses in its curricula—Georgia, Texas, North Carolina, South Carolina, and Colorado too introduced or passed bills to modify their curriculum to "promote patriotism and discourage civil order, social strife, or disregard of the law."

This conservative movement to write U.S. history to maintain U.S. exceptionalism can be traced to a retired high-school history teacher, Larry S. Krieger. In 2013 when the College Board released an updated framework for the AP U.S. History exam, Krieger commented "as I read through the document, I saw a consistently negative view of American history that highlights oppresses and exploiters." Krieger stated that the AP U.S. History material "portrays the

⁷⁸ Id

⁷⁹ Margaret Hartmann, *Why Oklahoma Lawmakers Vote to Ban AP U.S. History*, N.Y. Intelligencer, (Feb. 18, 2015), https://nymag.com/intelligencer/2015/02/why-oklahoma-lawmakers-want-to-ban-ap-us-history.html. ⁸⁰ *Id.*

⁸¹ *Id*.

⁸² *Id*.

Founding Fathers as bigots and suggests that Manifest Destiny was built on a belief in white racial superiority and a sense of American cultural superiority rather than the belief that America had a mission to spread democracy and new technology across the continent."83

The notion that this conservative movement to ban or limit the proposed AP U.S. history curriculum touches at one of the fundamental reasons schools teach history is to teach civics and patriotism. Much of any country's history is spent revering he greats rather than criticizing the founders. However, teachings that center "the greats" in history often ignore the stories of those who were oppressed and too helped the formation of a nation. Ignoring what is "bad" about our founding history and onwards is often referred to as "white-washing." White-washing refers to the elimination or diminishment of non-white experiences in teaching or recalling history. This washing out may include failing to discuss the role of Black individuals in fighting for freedom and democracy against American institutions like slavery and Jim Crow. Or white-washing of U.S. history also looks like justifying the Civil War as a states' rights issue rather than linked to institutions of racial oppression and free labor of Black individuals.

The *New York Times 1619* project sheds a light on U.S. History changing the narrators from White voices to Black voices. To get a more accurate reading of history, more than one perspective of the story needs to be told. However, a more accurate history is also a threat to a

⁸³ *Id.* (Krieger went on to say that "instead of discussing the valor or heroism of American soldiers during World War II, the course outline mentions U.S. interment camps and moral questions raised by the dropping of the atomic bomb.")

⁸⁷ *Id*.

⁸⁴ Charles A Gallagher, Color-Blind Privilege: The Social and Political Functions of Erasing the Color Line in Post Race America, 10 Race, Gender & Class 22, (2003), https://www.jstor.org/stable/41675099.

⁸⁶ Nikole Hannah-Jones, *America Wasn't a Democracy Until Black Americans Made it One*, N.Y. Times (Aug. 14, 2019), https://www.nytimes.com/interactive/2019/08/14/magazine/black-history-american-democracy.html.

Post-racial society that elected President Barrack Obama. ⁸⁸ To many, the election of President Barrack Obama signaled the end of racism in America, however; Obama's election reveals less about the end of racism in America and more about the public's hope and determination that symbolically blatant racism has ended in America. ⁸⁹ Uncovering a deeper, more nuanced, and inclusive history also means opening the U.S.—teachers, politicians, students – to the idea that what happened a mere 200 years ago still has effects on us as a society. A teaching of a non-, white-washed curriculum makes the #BlackLivesMatter protests ring truer and demands that power be transferred and shared with more than just the great grandnephews of George Washington. ⁹⁰

Students themselves have also spoken out and taken the initiative in questioning what they read in school and why. Oklahoma student, Moin Nadeem, spoke out against the Oklahoma defunding law stating "My heart sank. It is our right to learn. The state can't say what we can and what we can't learn." At its core, Nadeem's statement holds some inaccuracies. As previously mentioned, school boards can dictate what materials they will teach. These tensions that exist between state and federal powers are most eminent revolves around federal legislation known as the Common Core—a program meant to "set high-quality academic standards in mathematics and English language arts/literacy." The Common Core is an optional program states may adopt that provides not only certain "standardized" materials in math and English for students to learn but also requires a scoring of students during the year to provide information to

⁸⁸ Bettina L. Love & Brandelyn Tosolt, *Reality or Rhetoric? Barrack Obama and Post-Racial America*, 17 Northern Kentucky U. 19 (2010), https://www.jstor.org/stable/41674749 (Through a critical race theory lens, authors interrogate the idea that electing Barrack Obama proved the end of racism in America).

⁸⁹ *Id.* at 21.

⁹⁰ Id

⁹¹ Id.

⁹² Common Core Standards, *About the Common Core State Standards*, http://www.corestandards.org/about-the-standards/ (last visited Mar. 28, 2021).

the state and federal government. ⁹³ In exchange, the state receives funding for its schools. Controversy around the Common Core is espoused in the division between state and federal control. In addition, one such result of adopting the Common Core has been that success of districts is seen as passing scores rather than other indicators of a quality education. Often this results in teachers being required by their school boards to not only strictly abide by the Core curriculum but also to obtain a certain percentage of passing scores in their classroom to receive funding.

Texas

Similarly, to Oklahoma, Texas has a rich multi-racial and multi-ethnic history. For example, the Civil Rights Movement in Texas was a fight not only for the equal treatment of Black Texans but also for the equal treatment of Mexican Texans.⁹⁴ Texas' history with the Civil War too differs for it was not until June 19, 1856 that the Union forces entered Texas.⁹⁵

On August 28, 2020, Marvin Dulaney characterized himself as "one of the victims of the American education system" because it did not "teach me one thing about any African or African-American person who had every done anything in history." Dulaney states that this is not an accident, and that Black history was not taught because it lacked the "feel good about yourself" attributes common to events such as the American Revolution. Dulaney, a former chair of the University of Texas at Arlington history department and fourteen year director of the

⁹³ *Id*

⁹⁴ Texas State Library and Archives Commission, *Slavery*, https://www.tsl.texas.gov/treasures/earlystate/slavery-01.html (last visited Mar. 11, 2021).

⁹⁵ *Id.* (This day would later be celebrated as Juneteenth).

⁹⁶ Jacob Vaughn, *Fixing History: Fighting for Black Inclusion in the Education System*, Observer (Aug. 24, 2020), https://www.dallasobserver.com/news/a-retired-texas-teacher-fights-to-include-true-black-history-lessons-in-us-school-11927837.

⁹⁷ *Id*.

Avery Research Center for African American History and Culture in Charleston, South Carolina, was a part of the Black Studies movement—a movement dedicated to introducing Black history and culture studies in the college setting. 98 Then, Dulaney shifted his efforts to K-12 to encourage a teaching of U.S. history that includes voices of the oppressed. In 2017, he took the lead on a project at the Dallas district trying to integrate African and African American history into its social studies curriculum. 99 Part of this process included not only creating materials for the course but also implementing workshops for teachers. The course ended up winning approval from the entire state. 100 Dulaney and other educators urged that even though this was an important step for Black Studies, it was not enough. Educators in Texas advocated for a mandatory requirement of teaching Black history like that of the Amistad Law in New Jersey. 101

As of April 17, 2020, the Texas State Board of Education unanimously approved the creation of an African America studies course. ¹⁰² The course is modeled off of the African American studies curricula in Dallas school district. ¹⁰³ This African American studies course represents "a comprehensive survey of African America politics, culture, and history, beginning with pre-colonial African civilizations and ending in the modern era." ¹⁰⁴ At the public hearing, proponents of the course listed off historical events and leaders who were omitted from the standard social studies and history courses. ¹⁰⁵ In addition, statistics were read to the board that

⁹⁸ *Id*.

⁹⁹ Id.

¹⁰⁰ *Id*.

¹⁰¹ Id.

¹⁰² Aliyya Swaby, *Texas Education Board Likely to Approve African American studies course in 2020*, Texas Tribune (Nov. 13, 2019), https://www.texastribune.org/2019/11/13/texas-education-african-american-studies/.

¹⁰⁴ *Id*.

¹⁰⁵ *Id*.

said "students of color who learn about their cultural history are more likely to be motivated in school."106

The Board that approved the course is a fifteen-member body which is responsible for setting curriculum standards and adopting textbooks for Texas public schools. 107 In 2014, the Board had voted down a proposal to create a Mexican American studies course. 108 However, at that time the Board did tentatively approve the creation of an African American Studies course. 109 The course was meant to be taught in grades ten through twelve and "is designed to help students develop an understanding of the historical roots of African American culture, especially as it pertains to social, economic, and political interactions with the broader context of United States history. 110

Looking to Oklahoma and Texas as examples, the movements tend to be led by community leaders and resonate with not only the national stories of Black excellence but also the more regional stories that took place within their state's own borders. Texas's adoption of a state curriculum dedicated to Black Studies echoes that of Oklahoma State Department of Education adopting Tulsa school's district curriculum on the Tulsa Massacre. Both Oklahoma and Texas are examples of districts leading the change in a more inclusive curriculum rather than a statewide approach coming first. This local and specific approach in Texas and Oklahoma is speaks to not only a broader American history but also specific Black histories and experiences withing their state borders.

¹⁰⁶ *Id*

¹⁰⁸ Id. (The Board approved a Mexican American studies course in 2018. "Many members expressed interest in adding more ethnic studies courses as social studies electives, including a Native American studies course.") ¹⁰⁹ *Id*.

¹¹⁰ *Id*.

A National Curriculum

Despite states and local school districts having direct control over their curricula, the importance of an inclusive history that includes the teachings of racial discrimination and history, has garnered national attention. The Biden administration has expressed a plan in creating a grant program for history and civics education "to prioritize instruction that accounts for bias, discriminatory polices in America, and the value of diverse student perspectives." The inspiration for such a program was cited to the scholar and anti-racism activist Ibram X. Kendi and the 1619 Project, which is a New York Times project dedicated to sharing stories of slavery and its ongoing legacy as a crucial pillar in American history. This grant program would be spearheaded by the U.S. Department of Education and would provide funding for innovative teaching approaches and professional development in American History and Civic curriculums; the proposed grant values \$5.3 million in federal funding this upcoming fiscal year. 113

Under this grant program, applicants would be required to describe how their proposed project would incorporate teaching and learning practices that: "take into account systemic marginalization, biases, inequities, and discriminatory policy and practice in American history; incorporate racially, ethnically, culturally, and linguistically diverse perspectives and perspectives on the experience of individuals with disabilities; encourage students to critically analyze the diverse perspectives of historical and contemporary media and its impacts; support

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¹¹¹ Andrew Ujifusa, *Biden Administration Cites 1619 Project as Inspiration in History Grant Proposal*, EdW, (Apr. 19, 2021), https://www.edweek.org/teaching-learning/biden-administration-cites-1619-project-as-inspiration-in-history-grant

 $proposal/2021/04?utm_source=nl\&utm_medium=eml\&utm_campaign=popweek\&utm_content=20210423\&M=5994002\&U=\&UUID=1a11bde650a7a91a7608f21720c77852.$

¹¹³ *Id.* (The entire budget for the Department of Education totals \$74 billion).

the creation of learning environments that validate and reflect the diversity, identities, and experiences of all students; and contribute to inclusive, supportive, and identity-safe learning environments."¹¹⁴ This grant program, therefore, attempts to move beyond tokenism of Black stories and individuals in its history curriculum, and instead takes on a holistic approach to include the histories of Black individuals in the U.S. as well as the modern-day effects of past discriminations into the present.

This grant program provides a stark contract in approach to public history from the previous administration and taps into the main debate over how and whether schools should address topics like systemic racism and prevalent inequalities in American society. 115 As a direct response to the New York Times 1619 Project, President Trump created the 1776 Commission to promote "patriotic education." It is important to note that with the creation of public history projects like the 1619 Project series, have garnered opposition from not only political adversaries but historians as well. The 1619 Project developed by Nikole Hannah-Jones aims to reframe the U.S.'s history by placing the consequences of slavery and the contributions of Black Americans as the very *center* of the U.S.'s national narrative. Such a stark reframing of history that not only changes the narrators of U.S. history but criticizes and calls for the accountability of entire systems and economies being built on the backs of Black individuals in America from its founding, is met with much opposition for the simple fact that this retelling of history threatens current narratives considered to be central to the U.S. It is the shift in perspective that illuminates many uncomfortable truths about American heroes like Thomas Jefferson, for example. And even more so, it is the very threat of criticizing a country by those who have been systematically

¹¹⁴ *Id*.

¹¹⁵ *Id*.

¹¹⁶ *Id*.

silenced and oppressed that terrifies a nation built heavily on anti-blackness. Importantly, this debate has gained the label of "left-wing propaganda." Former President Trump declared it as such when he claimed that public schools teaching such a curriculum was indoctrinating students not with a more accurate or inclusive retelling of history, but of a dangerous liberal ideology.

The rhetoric of the conservatives to preserve a "patriotic education" is evident at the state level. Lawmakers in eight states have introduced legislation that may make it more difficult for teachers to talk about issues of racism, sexism, and bias in the classroom. ¹¹⁸ Republican legislators in Idaho, Iowa, Louisiana, Missouri, New Hampshire, Oklahoma, Rhode Island, and West Virginia have over the past few months drafted bills that would ban the teaching of "divisive" or "racist and sexist concepts." ¹¹⁹ The list of off-limits topics to teach has included: "that one race or sex is inherently superior to another race or sex; that the U.S. or specific states are fundamentally racist or sexist; that individuals, because of their race or sex, are inherently oppressive, whether consciously or unconsciously; that individuals bear responsibility for actions committed in the past by members of their same race or sex; that anyone should feel 'discomfort, guilt, anguish, or any other form of psychological distress' because of their race or sex." ¹²⁰

The progress of passing such legislation varies. In New Hampshire, for example, the legislation has been set aside, when the New Hampshire American Civil Liberties Union (ACLU) chapter argued "that it would violate First Amendment rights." However, in other

 $^{^{117}}$ Ia

¹¹⁸ Sarah Schwartz, *8 States Debate Bills to Restrict How Teachers Discuss Racism, Sexism*, Educ. Week (Apr. 15, 2021), https://www.edweek.org/policy-politics/8-states-debate-bills-to-restrict-how-teachers-discuss-racism-sexism/2021/04.

¹¹⁹ *Id.* (The language used in many of these bills echoes the language used in the executive order put in place by former President Trump to ban diversity trainings for federal workers).

¹²⁰ *Id.* (These "divisive concepts" in proposed legislation mimics sections of former President Trump's executive order from September 2020 which banned federal training designed to confront racism, sexism and bias. Since, President Biden has rescinded that order).

¹²¹ *Id.*

states the bills are making traction. Other states, as a part of this trend to defend a "patriotic history" some school districts have proposed legislation to ban the teaching of the *1619 Project* in public schools.¹²²

Limits of Teaching What You Preach

Even despite a state or board's push to incorporate a more diverse and inclusive teaching of U.S. history in schools, there remain obstacles to implementation. The first of which is the gap between the requirement of teaching Black history and the actual enforcement or effectiveness. Without compulsory educations or tailored materials, teachers ultimately decide what their students learn. CORE curriculum classes and preparatory classes for standardized tests often take priority over civic and history classes often not tested as basic skills.

Factors outside of the school also influence what is taught in classrooms. In addition to organizations like College Board there also exists the textbook industry. The textbook industry is monopolized by a handful of states that curate content to a state's approval. This is largely due to population size and there being greater demand for textbooks in states like California and Texas, rather than states like Hawaii and Arkansas. For example, for science textbooks, there are two versions available for purchase: one that includes the teaching of climate change and one that does not. A similar trend exists in history textbooks. A review of U.S. History textbooks found in states such as Texas and Florida found that the Civil War was framed as an example of states' rights and lacked an in-depth analysis of Black historical figures prior to and during the Civil

¹²² *Id*

¹²³ Rebecca Klein & Caroline Preston, *Are we ready? How we are teaching—and not teaching—kids about climate change*, Hechinger Report (May 23, 2020), https://hechingerreport.org/are-we-ready-how-we-are-teaching-and-not-teaching-kids-about-climate-change/.

War.¹²⁴ The textbook industry complex has become a major power nationally as well as globally in curating the knowledge taught in schools. The market is saturated by a few competitors that tailor the materials to sell to states and their viewpoints.¹²⁵

A similar problem faces the textbook industry as does the U.S curriculum as a whole—the lack of Black voices. Many of the publishing jobs were held by White individuals and tended to focus on their lived experiences rather than different lives experiences of non-white individuals. The influence of the textbook industry is an important factor in analyzing the history taught in our schools.

Schools have even gone so far as to try and ban certain books from its libraries. ¹²⁷ However, the Supreme Court held that even though schools do have the power to control the content of speech in schools, that power is not absolute. ¹²⁸ In order to remove content, a school board much show more than a dislike for the ideas contained in the book. ¹²⁹ Often ideas of civil disobedience or stories that speak to difficult lives of individuals can on the surface dance along the line of what a school can or cannot ban. And when it comes to outside curriculums like the AP College Board exams, states still are revered as the authorities in running their schools from funding to materials taught and lessons learned. And mostly importantly, even though most state constitutions contain a "right to learn" clause for its citizens, there is no federal right to learn.

¹²⁴ Jonathan Zimmerman, *Brown-ing the American Textbook: History, Psychology, and the Origins of Modern Multiculturalism*, 44 Cambridge U. Press 46 (Spring 2004), https://www.jstor.org/stable/3218110.

¹²⁵ Michael G. Watt, Research on the Textbook Publishing Industry in the United States of America, 1 IARTEM e-Journal (August 2007), https://ojs.bibsys.no/index.php/IARTEM/article/view/804.

¹²⁶ Concepción de León, Alexandra Alter, Elizabeth A. Harris & Joumana Khatib, *A Conflicted Cultural Force: What It's Like to Be Black in Publishing*, N.Y. Times (June 5, 2020), https://www.nytimes.com/2020/07/01/books/book-publishing-black.html.

¹²⁷ Board of Education v. Pico, 457 U.S. 853 (1982).

 $^{^{128}}$ *Id*

¹²⁹ *Id*.

More recently, books that discuss racism and police violence have found their place on lists of "most challenged" titles. 130

Conclusion

For decades educators and community leaders have paved the way for more inclusion in the U.S History curriculum. As progress is made to include not only Black history interwoven into daily teachings of American history, but there is also backlash of this retelling of history. A more inclusive teaching of history requires a certain acceptance of culpability and reevaluation of our mainstream American narrative and heroes. After decades of colorblind teachings, we see local, state, and even federal curriculum initiatives to include teachings on racial relations including systemic racism that teach students early on of the ongoing effects of racial oppression today.

Reforms in education come from all levels of government. Where states have been resistant to federal interference in its curriculum, they tend to be more accepting of state generated courses for high school students. The courses proposed by various states expand the teaching of Black history from simply one month during the school year to a more integrated curriculum where the history of Black individuals is taught as a history of the United States. This approach reflects not only a shift in schools but a shift in the national conversations the United States is having around race. There is a demand for accountability not only from our representatives but from the very students in classrooms across America. ¹³¹ The belief being that

¹³⁰ Allyson Waller, *Books About Racism and Police Violence Fill Out List if 'Most Challenged' Titles*, N.Y. Times (Apr. 16, 2021), https://www.nytimes.com/2021/04/16/books/american-library-association-banned-books.html?action=click&module=Editors%20Picks&pgtype=Homepage.

¹³¹ Hannah Natanson, *High School Students are Demanding Schools Teach More Black History, Include More Black Authors*, Washington Post (Aug. 17, 2020), https://www.washingtonpost.com/local/education/high-schoolers-across-the-country-are-banding-together-to-demand-their-schools-teach-more-black-history-and-read-more-black-

not only do non-Black minds become exposed to power dynamics associated with race but that Black students feel seen and heard. Just like the court ruled in *Brown v. Board of Education*, the stigmatization it tried to diminish through desegregation is in many ways still prevalent not only in education but in the society at large.

An integrated history class is the first important step in analyzing the society we live in to include the stories of those historically oppressed and left out of the conversation. Not only does such a teaching provide a more accurate teaching of the country's history, but also benefits every past, present and future citizen of the United States. Afterall, "our democracy's founding ideals were false when they were written. Black Americans have fought to make them true." ¹³²

authors/2020/08/15/a42e6d12-dbef-11ea-809e-b8be57ba616e_story.html (effort to teach Black history in schools led by younger students utilizing #DiversifyOurNarrative as a social media platform for their cause).

132 Nikole Hannah-Jones, *America Wasn't a Democracy Until Black Americans Made it One*, N.Y. Times (Aug. 14, 2019), https://www.nytimes.com/interactive/2019/08/14/magazine/black-history-american-democracy.html.