



**National Association  
for Music Education**

## **Divisive Concepts Laws and Music Education**

A Report for the National Association for Music Education

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Karen Salvador, Michigan State University

*With contributing authors (in alphabetical order)*

Joseph Abramo, University of Connecticut

Cara Faith Bernard, University of Connecticut

Andrew Bohn, Michigan State University

Deborah A. Confredo, Temple University

Ashley Cuthbertson, A. Cuthbertson Consulting

Rob Deemer, State University of New York at Fredonia

Rollo Dilworth, Temple University

Suzanne N. Hall, Temple University

Benjamin C. Helton, Case Western Reserve University

Anne Martin, Michigan State University

Nicholas R. McBride, The College of New Jersey

Constance L. McKoy, The University of North Carolina at Greensboro

Saleel Menon, Michigan State University

Lorenzo Sánchez-Gatt, Michigan State University

William R. Sauerland, Purdue University Fort Wayne

Ryan D. Shaw, Michigan State University

Stefanie Weigand, Music-COMP

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## Executive Summary

Karen Salvador

Divisive Concepts Laws (DCL) are legislative and executive orders that seek to restrict teaching, professional learning, and student learning in K–12 schools and higher education regarding race, gender, sexuality, and U.S. history. Since late 2020, a number of these legislative and executive actions have been proposed and enacted across the United States, and individuals and groups have reported adverse effects on teachers, students, and educational programs.

This report was designed (1) to provide music educators, music/fine arts supervisors, and music teacher educators with information on DCL, (2) to investigate how DCL are impacting music educators and music education, and (3) to offer resources. It is organized in three sections: (1) FAQs on DCL and how other professional organizations are responding, (2) a summary of responses to a survey regarding how DCL are impacting NAFME members' teaching, illustrated with stories from selected members, and (3) information and resources from NAFME member experts regarding navigating local and state policies, culturally responsive pedagogy, repertoire diversity, social and emotional learning in music, gender and sexuality in music classrooms, and music teacher recruitment and retention.

**Summary.** NAFME members who responded to our survey were split on their views regarding DCL. About half of respondents stated they were not directly affected by DCL—for a variety of reasons including working in a state that does not have DCL (only 136 of 315 respondents worked in states with DCL), believing music content does not include anything divisive or that identity is irrelevant in music instruction, autonomy to teach as desired, agreeing with the laws, and refusal to acquiesce to the laws. Teachers reported that DCL were vague and confusing—open to different interpretations by all students, parents, administrators, and teachers, and that this combined with implementation issues made it hard to know what they were allowed to do. Most affected participants stated that DCL restricted curriculum and the topics that could be discussed in the music classroom or that they needed to be vigilant about their speech—not because they were breaking the law but because they were afraid of repercussions from students, parents, or administrators misinterpreting the law. Participants reported limitations on what content they could teach, which has an adverse impact on their ability to ensure all students are heard, seen, and feel they belong in the music classroom—which paraphrases NAFME's current vision. Some educators believed DCL made it difficult to maintain and build relationships with students, and they voiced concerns regarding student well-being as a result of DCL. Finally, teachers stated that the political environment around schools generally—and DCL specifically—was impacting their stress level and job satisfaction. As a result, some respondents reported they planned to leave teaching, knew teachers who are leaving the profession, and/or noticed difficulties recruiting new teachers.

**Recommendations.** The National Association for Music Education's 2017 [Position Statement on Inclusivity and Diversity in Music Education](#) states:

**A well-rounded and comprehensive music education program, as envisioned in the 2014 National Music Standards, should exist in every American school; should be built on a curricular framework that promotes awareness of, respect for, and responsiveness to the variety and diversity of cultures; and should be delivered by teachers whose culturally responsive pedagogy enables them to successfully design and implement such an inclusive curricular framework.**

The position statement then asks NAFME members to support inclusivity and diversity in music education by:

1. Building music programs that address achievement in all areas set forth in the 2014 Music Standards, including the study of a wide variety of music-making that encompasses styles and genres of music broadly representing America’s cultural diversity.
2. Understanding their community’s needs and interest in music-making, including diverse musical styles and genres.
3. Welcoming any and all students who want to learn music, regardless of exceptionalities, identity, orientation, or cultural background in their music programs K–12.
4. Seeking to learn about musical styles and traditions that are not part of the educator’s own musical background through in-person and online professional development opportunities.

The findings of this report demonstrate that Divisive Concepts Laws are interfering with some members’ ability to create this well-rounded and comprehensive education—not because such an education violates DCL, but because of the vagueness of DCL and the inconsistency with which they are interpreted and enforced. Misconceptions about these laws (and about the nature of culturally responsive pedagogy, critical race theory, and social emotional learning, among other approaches) make it more challenging for music educators to meet student needs as well as persist and thrive in their profession. Moreover, DCL are affecting music educator recruitment and retention at a time when there already is a teacher shortage.

While music educators in affected states and districts must follow laws and policies, we urge music educators to know exactly what the laws are that affect them and proactively communicate with students, families, and administrators about how excellent music education that includes diverse musics presented within cultural context, attention to social and emotional learning, equitable treatment for students with a variety of identities, and culturally responsive pedagogy is not in violation of these laws.<sup>1</sup>

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<sup>1</sup> Yet. There are proposed laws that seek to ban the inclusion of social emotional learning (SEL).

## Divisive Concepts Laws: Frequently Asked Questions and Organizational Responses

Karen Salvador

### Purpose of this Report

NAfME exists to advocate for music education—which includes music teachers, music students, and music programs in PK–12 schools and universities across the United States. NAfME’s elected officers and staff heard from members and leaders who were concerned that Divisive Concepts Laws (DCL) were affecting teachers and students, impacting teachers’ ability to deliver music curriculum with integrity, and influencing music-educator recruitment and retention. Accordingly, the purpose of this report was to gather information regarding DCL and find out more about members’ experiences, particularly in states where DCL are in place. Based on what we found, we also sought to curate resources for NAfME members and other music educators. This report therefore includes (1) information on DCL (based on questions frequently asked by NAfME members), (2) results from a survey of NAfME members regarding the impacts of DCL, and (3) resources NAfME members may find helpful as they navigate DCL. This report is not intended as legal advice—we encourage members to use the resources in this report to investigate the laws and policies in their state and district so they can make informed choices.

### Frequently Asked Questions

#### ***What are Divisive Concepts Laws?***

Divisive Concepts Laws are legislative and executive orders that seek to restrict teaching, professional learning, and student learning in K–12 schools and higher education regarding race, gender, sexuality, and U.S. history.<sup>2</sup> Between January and August 2022 alone, lawmakers in 36 different states introduced a total of 137 bills with this purpose. While in 2020 and into 2021 most DCL related specifically to race or U.S. history (e.g., [prohibiting critical race theory in schools](#) or banning the [1619 project](#)) and focused on PK–12 public schools, in 2022 there was a marked increase in proposed DCL regarding LGBTQ+ issues and identities, and more bills addressed higher education and nonpublic schools. DCL use three main types of prohibitions: compulsion (banning compelling someone to adopt or espouse a particular belief), promotion (prohibiting the endorsement or inculcation of a belief), and inclusion (disallowing any discussion of a particular topic).

One example of a DCL prohibiting inclusion is [North Dakota’s HB 1508](#), which reads in full:

*Each school district and public school shall ensure instruction of its curriculum is factual, objective, and aligned to the kindergarten through grade twelve state content standards. A school district or public school may not include instruction relating to critical race theory in any portion of the district’s required curriculum under sections 15.1-21-01 or 15.1-21-02, or any other curriculum offered by the district or school. For purposes of this section, "critical race theory" means the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systemically embedded in American society and the American legal system to facilitate racial inequality. The superintendent of public instruction may adopt rules to govern this section.*

Other statutes or orders are longer, and some state departments of education or local education agencies have issued guidance for interpreting laws. Consequences for violating DCL include private right of action (a parent or community member suing a teacher or school), monetary penalty (fines or

<sup>2</sup>The website <https://pen.org/report/americas-censored-classrooms/> was the source for information in this paragraph.

loss of state financial support), professional discipline (loss of licensure, termination), loss of accreditation, and civil penalties imposed by state Attorneys General.

### ***Why are they called Divisive Concepts Laws?***

While various organizations refer to similar legislation and policies using a variety of names (e.g., [Educational Gag Orders](#)), in this report we used the term Divisive Concepts Laws as a blanket term for this broad set of actions and policies. The term *Divisive Concepts* predominantly derives from President Trump’s 9/22/2020 [Executive Order 13950](#), “Combatting Race and Sex Stereotyping,” which prohibited a list of “divisive concepts” in training for federal employees and contractors. The content of that executive order has since been adopted or adapted by legislatures and other political bodies across the country, and in that process many people advancing these laws and policies adopted similar language to the Executive Order. Therefore, in media, scholarship, and legal discourse, “Divisive Concepts Laws” is a common term for these laws and policies, so we used DCL throughout this report.

### ***Where are Divisive Concepts Laws in operation, and what exactly do they say?***

As of January 30, 2023, DCL have been enacted at the state level by fifteen (15) legislatures,<sup>3</sup> and an overlapping seven (7) states<sup>4</sup> had executive orders, state policies, or orders by attorneys general that function as DCL. The [Pen America Index of Educational Gag Orders](#) tracks state legislation, executive orders, and other state actions and is updated weekly. For each proposed or passed policy or law, this resource links exact language and summarizes the statutes and associated penalties (if applicable) and guidance (if issued). Tabs at the bottom of the document specify options including “live bills,” “laws,” and “state policies/executive orders.”

In addition to state DCL, local control of school districts means that individual school boards and city or county governments have also adopted similar policies that affect teachers in states that do not have state-level laws or policies. [UCLA’s CRT Forward Project](#) tracks district and local government policies related to Critical Race Theory (CRT), diversity, equity, inclusion, antiracism, and antisexism and offers links to exact language of the policy, directive, or statement. However, the project’s focus means that local policies specifically about LGBTQ+ issues and identities are not always tracked. The ACLU [tracks legislation](#) regarding LGBTQ+ rights in schools and education, including links to exact language of bills and laws.

### ***How are other professional education associations responding?***

Professional education organizations have expressed concern about the effects of DCL on instruction by writing and endorsing position statements and have offered guidance and resources for their members.

*Position Statements.* The National Council of Teachers of English (NCTE), National Council for the Social Studies (NCSS), National Council of Teachers of Mathematics, and National Science Teaching Association joined the National Coalition Against Censorship (NCAC) to produce a position statement asserting the [Freedom to Teach](#), reproduced here because it aptly outlines the issues that led to the preparation of this report:

*School districts, the most active battlefield in the American culture wars today, are facing an unprecedented number of calls to remove books from schools and libraries, false claims about “obscenity” invading classrooms, the elimination of teaching about evolution and climate*

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<sup>3</sup> AZ, AR, FL, GA, ID, IA, KY, MS, NH, ND, OK, SC, SD, TN, TX

<sup>4</sup> AL, AR, FL, MT, SD, UT, VA

*change, challenges to the need for making sense of and critiquing our world in mathematics classrooms, and legislation redlining teaching about racism in American history. These actions are putting excessive and undue pressure on teachers, who are caught in the crossfire of larger political conflict, motivated by cultural shifts and stoked for political gain.*

*Teachers are being maligned as “harming” children and are subjected to constant scrutiny (and even direct surveillance) by many parents, school administrators, and activist groups. Some are afraid to offer their students award-winning books that may violate vaguely stated laws about teaching the history of racism or that may be misleadingly labeled as pornographic. As a result, teachers’ very ability to do their job is under threat.*

*In their zeal, activists of the current culture wars unfortunately treat teachers as if they are enemies. The truth is that teachers are uniquely important leaders who, in educating current and new generations of students, bear responsibility for this country’s future. They are trained professionals with one of the hardest and most demanding jobs, a job that requires deep commitment, but brings little financial reward.*

*Teachers need our support; they need our trust; they need to have the freedom to exercise their professional judgment. And that freedom includes the freedom to decide what materials best suit their students in meeting the demands of the curriculum, the freedom to discuss disturbing parts of American history if and when they judge students are ready for it, and the freedom to determine how to help young people navigate the psychological and social challenges of growing up. In short, teachers need the freedom to prepare students to become future members of a democratic society who can engage in making responsible and informed contributions and decisions about our world.*

*The stakes are too high. We cannot let good teachers leave the field because they no longer have the freedom to do their jobs. We cannot let the education of our children and young adults become collateral damage in partisan political machinations.*

The NCTE and NCSS were also signatories on the NCAC’s [Non-Partisan Coalition Statement Opposing ‘Divisive Concepts’ Legislation](#). The coalition’s statement outlines five main reasons for their opposition to DCL (quote edited for length):

- 1. First Amendment principles forbid censorship based on ideological viewpoint. ... [the] Supreme Court has made clear that although public authorities may promote community values in public schools, they may not cross the line into forbidding consideration of disfavored ideas.*
- 2. [DCL] conflict with well-established requirements that students be exposed to different interpretations of history and learn to think critically about them [and] ... directly threaten the teaching and encouragement of critical thinking in public school classrooms.*
- 3. The language of the laws is often vague and thus would chill academic freedom. ... The Supreme Court has [long recognized](#) that vague laws impinge upon the right to free speech because “[u]ncertain meanings inevitably lead citizens to ‘steer far wider of the unlawful zone’” and hence to “restrict their conduct to that which is unquestionably safe.”*
- 4. While the bans are purportedly designed to eliminate the threat of political indoctrination in the classroom, they do exactly the opposite: by implementing an absolute ban on even the discussion*

*of certain concepts they impose State indoctrination. After all, the most effective way to impose one's views on another is to prevent that person from hearing an opposing view ...*

5. *The laws may set a dangerous precedent of political manipulation of the curriculum.*

In another example, 155 educational and historical organizations have signed on to [this statement](#) “stating their ‘firm opposition’ to legislation, introduced in at least 20 states, that would restrict the discussion of ‘divisive concepts’ in public education institutions.”<sup>5</sup> We could not find a professional education organization that has endorsed or supported DCL.

**Resources.** Professional education organizations and organizations striving to assist educators have been active creating resources for teachers. Here is a sample:

- The NCTE worked with the NCAC to produce a [handbook for educators responding to book challenges](#), and the NCAC has further resources for parents, teachers, and administrators [here](#).
- For librarians who faced harassment and threats, Pen America released [this tip sheet](#) with links to information including how to document abuse, engage law enforcement, and self-care. These suggestions may also help teachers who feel threatened.
- In addition to issuing [A Response to the Attacks on Social Studies Education in State Legislatures and Local Boards of Education](#), the NCSS collaborated on the [Learn from History Teacher Toolkit](#), which is supported by organizations including The School Superintendents Association, American Federation of Teachers, The Education Trust, Educators for Excellence, National Association of Elementary School Principals, National Association for Media Literacy Education, and the National School Boards Association, among others.
- The National Association for Secondary School Principals offered [this overview of the legal landscape](#) of DCL.
- The College Board articulated [principles that AP stands for](#).
- The American Association of Colleges for Teacher Education has started a [racial and social justice resource hub](#).
- The Educational Theatre Association led a collaboration that included the American Alliance for Theatre & Education; National Federation of State High School Associations; National Speech and Debate Association; Theatre Communications Group; and The Dramatists Guild of America to create this [statement on freedom of expression](#) that includes guidelines for teachers and administrators.
- The National Education Association has assembled [state by state resources](#) regarding DCL.
- The Collaborative for Academic, Social, and Emotional Learning (CASEL) has a [coalition to fight misinformation](#) related to Social and Emotional Learning (SEL) that stems from DCL and DCL-related conversations.

### ***How are DCL impacting teachers and education in general?***

While DCL have only been in effect for a year or two at most, reports indicate they are having three main effects: (1) teacher self-censorship, (2) teachers losing jobs or leaving the profession,<sup>6</sup> (3) schools losing accreditation or funding. Teachers, education organizations, and the ACLU have filed lawsuits in

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<sup>5</sup> <https://www.historians.org/divisive-concepts-statement>

<sup>6</sup> <https://www.nbcnews.com/news/us-news/critical-race-theory-battles-are-driving-frustrated-exhausted-educators-out-n1273595>



Arizona, Florida, New Hampshire, and Oklahoma, most alleging that DCL “are so vague it’s hard to tell what exactly they’re banning.”<sup>7</sup> Overall, teachers are split on DCL—with between a quarter and a third of teachers on one survey reporting they agreed with various restrictions.<sup>8</sup> Even so, “teachers say they’re so fearful of the law’s consequences—especially the loss of their licenses—that they’re censoring themselves in the classroom on all things dealing with race. And, they say, administrators, afraid of having to respond to complaints, have rid their district of almost every initiative that directly addresses racial inequality.”<sup>9,10</sup> In some states, DCL are enforced by right of private action, increasing teacher fears that they may need to defend themselves against a lawsuit for teaching important concepts, content, and critical thinking skills.<sup>11</sup> These fears seem justified; after New Hampshire announced a system for parents to report teachers for infringing on their DCL, Moms for Liberty of New Hampshire offered \$500 to the first person to produce evidence.<sup>12</sup> In this report, we are the first to investigate how DCL impact music educators and music education specifically.

### ***Why is NAFME concerning itself with DCL?***

At the time this report was authorized, the preamble to NAFME’s Mission stated:

*Music allows us to celebrate and preserve our cultural heritages, and also to explore the realms of expression, imagination, and creation resulting in new knowledge. Therefore, every individual should be guaranteed the opportunity to learn music and to share in musical experiences.*

Creating, performing, responding, and connecting with music are ways that people explore who they are and learn about others. Both because it was NAFME’s Mission *to advance music education by promoting the understanding and making of music by all*, and because of stories we were hearing from members, NAFME leadership became concerned that DCL were affecting music educators’ abilities to effectively teach their required curriculum. Moreover, musics are created within a cultural and historical context that affects how we teach and our interpretation for performance. In many cases, it is not possible to separate music from its cultural and historical context—and it is seldom advisable to do so.

NAFME is a registered lobbying organization, and we actively advocate—including regarding federal legislation and policy—on behalf of music teachers, music students, and music programs. We know that people across the political spectrum teach music and value music education for themselves, their children, and their communities. We created this report to find out more about if/how music educators, students, and programs are affected by DCL because we want to ensure every child has access to music education—not only a music program that is present in their school, but also music

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<sup>7</sup> <https://www.edweek.org/policy-politics/legal-challenges-to-divisive-concepts-laws-an-update/2022/10>

<sup>8</sup> [https://www.edweek.org/teaching-learning/educators-are-deeply-conflicted-on-teaching-heated-cultural-issues-surveyfinds/2022/10?utm\\_source=nl&utm\\_medium=eml&utm\\_campaign=eu&M=5341842&UUID=86fcc3e920dfd62adbfa856d9efb7dd&T=7229757](https://www.edweek.org/teaching-learning/educators-are-deeply-conflicted-on-teaching-heated-cultural-issues-surveyfinds/2022/10?utm_source=nl&utm_medium=eml&utm_campaign=eu&M=5341842&UUID=86fcc3e920dfd62adbfa856d9efb7dd&T=7229757)

<sup>9</sup> <https://www.edweek.org/leadership/youre-not-going-to-teach-about-race-youre-going-to-go-ahead-and-keep-your-job/2021/12>

<sup>10</sup> John Greabe, “New Hampshire’s ‘divisive concepts’ law and the big chill,” Commentary, Aug 10, 2021, at <https://newhampshirebulletin.com/2021/08/10/commentary-new-hampshires-divisive-concepts-law-and-the-big-chill/>

<sup>11</sup> John Greabe, “Commentary: Divisive concepts and regulation by threat of baseless lawsuit,” New Hampshire Bulletin, Jan. 20, 2022, at <https://newhampshirebulletin.com/2022/01/20/commentarydivisive-concepts-and-regulation-by-threat-of-baseless-lawsuit/>

<sup>12</sup> <https://twitter.com/moms4libertynh/status/1459166253084467205>

instruction that values student strengths, is responsive to student and community cultures, and provides appropriate musical challenges for students at all ability levels. Thus, this report remains in alignment with NAFME's new Mission: *NAfME is a collaborative community that supports music educators and advocates for equitable access to music education.*

# Impact of DCL on Music Education and Educators

Karen Salvador

## Introduction

In preparation for designing and producing this report, we held meetings with NAFME constituent leadership groups and a town hall with NAFME members. It was clear from these meetings that, while many members and leaders were very concerned about DCL, some had never heard of them, some supported them, and still others felt that NAFME should stay out of what they saw as a nonmusic conversation. We needed to find out more about what members were experiencing as they taught in affected states. Therefore, in October 2022, NAFME sent all members an invitation to complete a brief survey on the impacts of DCL. The survey was open for 10 days, and we sent one reminder invitation. We received 315 responses from teachers and teacher educators working in 45 states, Washington DC, and internationally.

## Results Synopsis

*Participants.* For demographic characteristics of respondents, please see Table 1.<sup>13</sup> Respondents were older than music educators in general (see Elpus, 2016). When asked to describe their gender, participants were roughly representative of music educators, who reported as 57% female and 43% male<sup>14</sup> (Elpus, 2016). Participants in this survey may be more diverse from a race/ethnicity perspective than music educators as a group (see Elpus, 2016), but this is difficult to interpret, because 6.5% did not address the question, instead writing in answers like “Dietrich” and “Watsonville” or asking questions. Regarding sexual orientation, we could not find data specific to music educators for comparison.

For respondents’ teaching levels and content areas, please see Table 2. Participants also could write in content areas, and more than one respondent taught each of the following classes: Piano/keyboard (18), Color Guard (2), Ukulele (2), Music Appreciation (3), Music Teacher Education (various courses) (11), and Private Lessons (2).

**Table 1**

### Demographic Characteristics of Respondents (N = 315)

*Age (n = 313), Gender (n = 306), Race/Ethnicity (n = 306), Sexual Orientation (n = 295)*

<b>Age</b>	<i>20–30</i>	<i>31–40</i>	<i>41–50</i>	<i>51–60</i>	<i>61+</i>
%	8	26.5	23.3	28.4	13.8
<b>Gender*</b>	<i>Female/ Woman</i>	<i>Male/ Man</i>	<i>Nonbinary/ Trans</i>	<i>Pref not to say</i>	<i>Divergent Responses</i>
%	52.3	43.8	2	<1	1.3

<sup>13</sup> Some survey respondents wondered why we requested the demographic information we did. Because DCL specifically address race, gender, and sexual orientation, this information about respondents was pertinent. We also wanted to know if respondents were broadly similar to music educators as a group.

<sup>14</sup> The National Center for Educational Statistics data Elpus (2016) used only offered male and female as options.

<b>Race/ Ethnicity*</b>	<i>African American or Black</i>	<i>Ashkenazi or Jewish</i>	<i>Asian</i>	<i>Hispanic</i>	<i>Mixed</i>	<i>Prefer not to say</i>	<i>White/Caucasian</i>	<i>Divergent Responses</i>
%	2.3	1.3	1.6	2	1.3	1	84.3	6.5
<b>Sexual Orientation*</b>	<i>LGBTQIA++</i>	<i>Married</i>		<i>N/A or Prefer not to say</i>	<i>Reiterated Gender</i>	<i>Straight/Heterosexual</i>	<i>Divergent Responses</i>	
%	15.3	2		5.1	3.4	71.1	4.1	

Note. Due to rounding, percentages may not total 100.

\*Questions regarding gender, race/ethnicity, and sexual orientation were open-ended. For example, “How do you describe your gender?” Karen Salvador coded them into categories. The category “divergent responses” was not other genders, races, ethnicities, or sexual orientations; it was responses such as “why does this matter?” or “How do you define describe?”

**Table 2**  
**Teaching Levels and Content Areas (N = 315)**

<b>Teaching Level(s)**</b>	<i>Early Childhood</i>	<i>Elementary</i>	<i>Middle School</i>	<i>High School</i>	<i>College</i>
%	7.9	41.6	47.3	50.5	14
<b>Content Areas</b>	<i>Band (Traditional)</i>	<i>Band (Modern)</i>	<i>Choir</i>	<i>General Music</i>	<i>Jazz</i>
%	41.6	11.7	43.8	55.9	21.9
<b>Content Areas (continued)</b>	<i>Guitar</i>	<i>Orchestra</i>	<i>Songwriting or similar</i>	<i>Technology</i>	<i>Theory</i>
%	13	14.6	7	14.9	10.5

Note. Participants could check all that apply. Content areas presented in alphabetical order.

*Summary of Analysis.* Respondents answered the following prompt: “In a few sentences, please outline how the divisive concepts laws /policies in your state or district are affecting you and your music teaching.” Because of the goals of this report, we focused on responses from the 136 (of 315) respondents who reported teaching in states with active DCL. We should note that, across responses, some respondents (including in affected states) wrote that this survey was the first they had heard about DCL. Furthermore, survey results are subject to nonresponse bias: it is likely that people who responded felt strongly about this issue, which could result in polarized data. Qualitative analysis using constant comparison revealed the following themes (in **bold**), which are illustrated by exemplar quotes that capture what a group of people expressed.

About a third of respondents<sup>15</sup> in states with DCL reported that the DCL had **no effect on their**

<sup>15</sup> As is common in qualitative research, we do not give exact counts of responses because this “conveys a quantitative orientation of magnitude and frequency contrary to qualitative research” (Creswell, 2007, p. 152).

**teaching.** Some elaborated on this response, giving rise to five main subthemes (in italics). A small group within this third of participants felt *no effect because they agreed with the laws*, as captured in these responses:<sup>16</sup>

*The laws that are being passed or are under consideration do not affect me. We are in a sad place where legislators must do this to protect children and to protect free speech. Music educators should not be coerced into including and teaching political ideologies and human sexuality. Music educators should be teaching content only. Period. It is not the place for political indoctrination and sexual grooming.*

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*I believe these laws are not divisive at all, and they are preventing young students from being exposed to potentially harmful and damaging topics that should not be discussed in classrooms. The laws are preventing teachers from having the ability to raise children under their beliefs, and returning that right to the parents where it belongs.*

Another small group of respondents reported DCL did not affect them *because they teach music and nothing else*. For example,

*They're not. I don't talk about personal issues, I teach music. I don't care about race, gender, sexual orientation, the color of their eyes/hair, what they had for breakfast, if they have a dog or a cat. I care if they participate in music class.*

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*They are not affecting my instruction as identity politics have no place in the band room. We are a BAND, that is our team and identity, enough said.*

In contrast, some participants indicated DCL did not affect their teaching because *I'm left alone* or *I won't let DCL affect my teaching*. Regarding the former, one educator wrote, "They aren't. I am treated like a professional at my school and I have autonomy in my classroom." Epitomizing the latter, a participant asserted, "These laws haven't affected me so far. I will continue to teach facts in my classroom, and continue to practice empathy for all humans. If that gets me in trouble, so be it." Another respondent was more specific:

*A dark cloud looms over my (our) head, knowing that the state may actively challenge me for teaching truth in a developmentally appropriate way. They seem to be actively encouraging parents to object if the truths of racism and classism are taught. However, this is not affecting my actual teaching at all because I refuse be bullied in this way. I WILL teach truthfully and openly as long as I am in a classroom.*

A few respondents stated DCL were not affecting them because they taught in a private or parochial school, or said that DCL or related issues were reasons they left public schools for charter or private schools. Finally, some respondents only wrote very brief answers like "they are not." Given the other four subthemes, those responses were difficult to interpret, because the reasons participants gave for similar statements varied so widely.

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[This article](#) analyzes results from a quantitative survey regarding teacher perceptions of DCL (not specific to music educators), with broadly similar findings.

<sup>16</sup> Exemplar quotes are presented in their entirety without editing (other than correcting spelling errors) unless indicated by an ellipsis (...).

About two thirds of respondents in states with DCL reported negative impacts on their teaching, their students, or themselves. Many respondents reported that DCL **restricted music curriculum** by limiting repertoire selection and teacher creativity or curtailing discussions regarding important aspects of music(s).

*I am concerned about programming/teaching music related to the Civil Rights Movement and I am concerned that I could be targeted for discrimination because of my sexual orientation ...*

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*Unable to read books to students without pre-approval, unable to show relevant videos without preapproval. I'm restricted to our county resources (like Quaver), and I have little opportunity to create my own lesson plans or use my creativity because that will not have been preapproved.*

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*These policies limit what I'm allowed to teach in regard to music because they don't allow us to have honest conversations about the experience of the people who write or wrote our music. They also don't allow us to talk about some musicians in history who have greatly impacted the music we play and listen to. Each person's experience and perspective is important and if we can't talk about the fullness of their experience, we can't teach completely accurately, which is a disservice to our students and in direct opposition to our mission as educators.*

Within these responses on restricted music curriculum, some participants specified that their decision to limit repertoire was not because they were teaching something that is against the law, but because of their concerns for how others might construe their actions. For example:

*The law in Tennessee has caused me to rethink my use of certain African American spirituals to avoid discussions that might be misconstrued to violate the law.*

A few respondents related strategies for maintaining diverse repertoire, like this person:

*Our district and state have passed legislation that prohibits the teaching of divisive concepts. While I haven't changed the core of what I teach, I have become VIGILANT about connecting lesson content to state and national standards both in writing and during instruction. During instruction I display and discuss Georgia music standards about connecting music to history and culture and repeatedly emphasize that music happens in every county and every language in the world, therefore it's my job to help students experience a sampling of those.*

On a related note, some respondents felt **like they have to watch what they say** to avoid repercussions.

A third main theme in the responses was the idea that DCL are **confusing** or it's **hard to know what I'm allowed to do**. This participant's experience synthesizes thoughts from many participants across several states:

*It was hastily implemented and no one knows what to do. The law is in place but the guidance won't be out until January at the earliest. Each school district is floundering and the parents think one thing (well, many things) while educators think another and administration thinks another. Everyone is coming from a different place (i.e., parents for THEIR child, teachers for the inclusion of all, administration from a liability standpoint). As such, each district is doing something completely different, and even each school. Some have banned all while others say leave it to your discretion, while others say all is fair game until the guidance. Even state level organizations are struggling to put out information. Specifically with music, we have been*

*banned from ordering anything without lots of sign-offs, having any supplemental materials in classrooms is forbidden, Teachers Pay Teachers is banned from being used. Music materials are in a gray area, where no one in our district can answer how band music, chorus music, theory materials, etc. fit in and right now it seems to be just look the other way until guidance comes (if it comes). Teacher fear is that it will get worse when the guidance does come out. A couple of weeks ago, admin. went around and required all "Safe Space" stickers to be removed—under the guise of "we can't guarantee a safe space (as in Uvalde)," but it was a wordsmith game our state is so good at. Confusion and frustration seem to be the name of the game and the exodus of teachers in all subjects is well under way.*

This participant's assertion that teachers are leaving is supported in other responses and also by respondents who said DCL are making it harder to recruit teachers.

Respondents voiced concerns about the **impacts of DCL on their students** and on their **relationships with their students**. For example,

*I feel silenced when it comes to having honest conversations with my students. When divisive topics come up (as everything under the sun comes up in classrooms) I have to hurt my relationship with students by shutting down conversations rather than have honest chaperoned conversations in a safe space.*

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*First of all, students are becoming more and more afraid to share things with educators. They seem to be bottling it up, and not telling anyone for fear of bullying and the state getting involved with things they believe the state [should] have ZERO control over. As educators, we are taught to connect with students because we have been taught that "students don't care how much you know until they know how much you care." We are terrified with how to connect with students. How to handle and navigate the current educational climate because our entire profession has been weaponized in a divisive plot to further one party's political aspirations. We fear there will be higher rates of suicide, higher rates of school shootings,<sup>17</sup> and as a result, more and more educators are leaving the profession (a profession that we LOVE) to do something else—even if the job pays less.*

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<sup>17</sup> While this respondent's comment is an exemplar that encapsulates a theme present across responses, I must note that two participants stated nearly the opposite. "None of the divisive concepts listed have affected me, although staff has been instructed by my school district last year to avoid religion and politics unless it is in my curriculum. Some of these so called 'divisive concepts' may actually have a purpose of protecting children against anti-God and anti-American indoctrination, and it doesn't sit well with me that NAFME is taking political positions. I'm not against discussion in schools and on the surface it may seem like a good idea to discuss these concepts but it seems that leftist views are being pushed by the powers in education, while God is being pushed out. It is my opinion that because God is now absent from our culture that we are having the problems of violence and such that we are having today." and "The divisive policies that encourage students to seek gender changes and unnatural lifestyles affect my music teaching in that I am told I need to go against one of my firm beliefs that being male or female is not a choice. Gender dysphoria is a mental disorder and should be treated, not encouraged. Why is the suicide rate high? Because they have a mental illness that needs to be treated. We are doing the students a disservice by encouraging this, which is unnatural and anti-science. I want to state for the record, I treat ALL my students who have alternative lifestyle choices with respect. Just because I disagree, doesn't mean that I hate them or treat them with disrespect."

Finally, educators shared that DCL were **not affecting my teaching but affecting me**. As I've already outlined, many respondents wrote about people leaving the teaching profession and stated that they had moved to a different state, changed schools, or planned to leave the profession because of these laws. Specific reasons varied, so I included several exemplars: *I'm afraid of how vitriolic and well-armed those who are fighting to restrict my speech (are) ...*

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*I do not feel that I can be openly safe about being an ally and still keep my job, especially in the conservative community where I teach. I have students who are members of the LGBTQ+ community, and they have learned they can come to me, but overall I have to be careful what I say, because by law I am not allowed to talk about sex, sexual orientation, or anything that can be construed as such. Even though I do have conservative beliefs, I also believe that people should be treated as people, and it bugs me that I do not feel that I can stand up for my students as openly as I would like to without fear of losing my job. I have honest questions I would like to ask my students in this community to learn more about them, but I could get fired just for asking them.*

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*So far, they are not impacting my teaching. However, I view it as an insult to my expertise as I've always worked painstakingly to make sure all content is appropriate for students. On October 19, Florida's state education board passed rules threatening the license of teachers and potentially requiring elementary teachers to post their classroom libraries to website or public search. I feel like the masses are being punished for the extremism of a very, very small minority.*

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*Legislation like this brings up so many questions—if threatening legislation passes (even though I'm not currently in a district that has an immediate threat) the nationwide assault still hits home and adds a lot of stress to my life and my students' too. I am not a controversy, I never asked to be a controversy, my existence is not a controversy and who I am is not a controversy. Why are these people trying to turn my very existence into a controversy? How do our LGBTQ+ students feel about this?*

In summary, NAFME members who responded to the survey were split on their views regarding Divisive Concepts Laws (DCL).<sup>18</sup> Some respondents stated they were not affected by DCL for a variety of reasons including working in a state that does not have them, agreeing with them, believing music content does not include anything divisive or that identity is irrelevant in music instruction, autonomy to teach as desired, and refusal to acquiesce to the laws. Teachers reported that DCL were vague and confusing—open to different interpretations by all parents, teachers, administrators, and students. Varied interpretations combined with implementation issues made it hard to know what they were allowed to do. Most affected participants stated that DCL restricted curriculum and the topics that could be discussed in the music classroom<sup>19</sup> or that they needed to be vigilant about their speech—although a few respondents felt DCL supported their views. Participants reported limitations in what content they can teach, which has an adverse impact on their ability to ensure all students are heard, seen, and feel

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<sup>18</sup> These survey results are similar to those found among PK–12 educators in [this survey](#).

<sup>19</sup> This finding aligns with [a survey](#) regarding parents or other community members efforts to limit content at school. Fifty percent of principals surveyed reported challenges to discussions race or racism at their school; 48% reported challenges to policies or practices related to LGBTQ+ student rights; 39% social and emotional learning, and 33% percent student access to particular books in the school library they deemed inappropriate. Teacher's self-censorship and fear of running afoul of DCLs is also documented in [this study](#) by the RAND corporation.



they belong in the music classroom—which is NAFME’s current Mission. Some educators believed DCL made it difficult to maintain and build relationships with students, and voiced concerns regarding student wellbeing as a result of DCL. Finally, teachers stated that the political environment around schools generally—and DCL specifically—was impacting on their stress level and job satisfaction. As a result, some respondents reported they planned to leave teaching, said they know teachers who are leaving the profession, and/or noticed difficulties recruiting new teachers.

## Impact Stories

In addition to the survey, we collected eight brief narratives from music educators, supervisors, and teacher educators. We intend these stories to shed light on music educator experiences with DCL. As part of the survey, interested members could share their contact information if they wished to elaborate on their story. We used the following criteria to select who we interviewed:

1. From an affected state (eliminated those from states without laws)
2. Willing to be interviewed (eliminated those who did not supply contact information)
3. Reported effects on teaching.

From there, we used maximum variation sampling, seeking participants from different states, who taught different content, with varied age groups. Story collectors (i.e., interviewers) reached out to selected individuals and worked with them to co-author brief stories describing how they, their students, and their colleagues have been impacted by DCL in their state. The story collection process comprised a conversational phone interview focused on DCL impacts on curriculum, teacher, and students. The story collector created a narrative, which the participant then edited/approved. Later, we redacted state names and obscured exact law names to further protect confidentiality. Each story comes from a different state.<sup>20</sup> It is important to note that we did not know what stories participants would share based on their short answers on the survey—we did not select for a particular point of view or political persuasion, we selected based on state, demographic characteristics, and content/grade level taught.

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<sup>20</sup> In alphabetical order: AZ, GA, FL, NH, OK, TN, TX, UT

## **A First-Year Teacher's Story**

Collected by Anne Martin

[State 1<sup>21</sup>] passed [a prohibition-type DCL<sup>22</sup>] in June of 2021. In November of 2021, a group called "Moms For Freedom" put out a \$500 bounty to catch teachers who were teaching divisive concepts. I was still in college at the time, and one of my professors wanted to talk about it; they weren't sure if they were even allowed to under the bill, so we didn't talk about it. I was upset by the bounty and that we weren't able to discuss it.

This is my first year teaching and I see impacts of this bill in my classroom. I remember at the beginning of the year, my middle school students noticed that not a lot of students were playing flute and suggested that we show Lizzo videos to remedy the issue. I commented that this strategy worked with jazz clarinetist Benny Goodman. Without thinking, I made a comment that people were possibly more receptive to him because he was White, versus Black musicians that were not as widely accepted. I realized instantly that this comment could be perceived as "White people are/were racist," which goes against the wording of the Right to Freedom bill.

[My state's] Department of Justice website has an online form where someone can easily report a teacher for going against the bill, so I could have gotten in trouble. I felt lucky that the comment went unnoticed and I did not get reported. This has made me more conscious of what I teach and say in front of my students. A student in my self-paced guitar class was learning pentatonic scales to practice improvising over the blues scale. I thought this would be a great lesson for the whole class, but I was scared to talk about jazz or the blues because of the connotations of the genre. I feel like I cannot authentically teach the genre without talking about race, but I don't want to get reported or get in trouble.

The students in my program are all White, and there are only four people of color in my entire school. I am privileged that my students are not asking me about race or racism, so I do not necessarily feel obligated to talk about these issues. However, I have so many students that want to learn jazz or even want to go into music education. I want to give them the most accurate and authentic music education possible, but I am afraid to even talk about jazz or the blues or Black American music.

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<sup>21</sup> State names are redacted to protect participant confidentiality.

<sup>22</sup> Exact language for laws and executive orders is redacted to obscure state name to protect participant confidentiality.

## Peggy's Story

Collected by Benjamin Helton

Peggy is a [State 2] native who has taught all levels of instrumental/band in the southern, more rural part of the state. After teaching K–12 at all levels for twenty-five years, she started teaching instrumental music education at a local university and eventually became a full-time music teacher educator there. Her history of teaching in the state has given her a nuanced and measured perspective on policy changes from both a classroom teacher and teacher educator.

The state school board is elected statewide. They make specific standards/curriculum decisions, but often get directives from state legislators. In recent years, a “parent movement” has gained strength and pressured both sets of policymakers to act on Critical Race Theory (CRT) issues. One of the recent bills proposed by state legislatures would have required all classroom teachers to provide three months of pre-planned lessons at all times for parental review.

The bill did not pass, but made many [State 2] teachers “skittish.” According to Peggy, “Teachers felt like there was this big lid coming down on them.” The additional work for teachers was an unnecessary burden for teachers and a violation of the trust bestowed upon teachers. Peggy summarizes, “Trust us to do our jobs ... Trust us that we have our students’ best interests in mind.”

These policy moves and debates are all in addition to the “normal” [state 2] education topics. [State 2] education policy has always been affected by religious interests, particularly those of [a] socially conservative [religion]. So, discussions of sex education and other controversial topics tended to veer toward conservative policy decisions. Peggy has noticed a shift in the rhetoric and demands of parental groups, particularly their demands to ban specific books that address topics they do not find appropriate for students. She is alarmed at the growing traction these groups have gained in recent years and their influence on state-wide and locally elected positions.

While specific policy changes have yet to materialize,<sup>23</sup> the discussions among preservice and in-service music teachers regarding potentially divisive topics lean toward “playing it safe.” She continues, “If anything is remotely racially hot, teachers avoid the topic instead of using it as a conduit for conversation ... Music classes are a safe space to discuss historical events, but teachers are second-guessing their literature and ‘playing it safe.’”

To help prepare preservice music teachers for the current political climate, Peggy includes appropriate scenarios in her assessments and discussions. For example, a programming/literature assignment in her methods course requires students to choose a piece of band literature that opens discussions about music’s interactions with historical or current events. A colleague of hers recently put this idea into action by programming a Russian nationalist piece for a concert, but explained the relationship between the historical context of the piece and Russia’s current occupation of Ukraine to both the students and audience.

Additionally, discussions regarding the authenticity of music are common in her classes. Peggy teaches in an area that has a substantial Native American population as well as a growing Latinx population. In

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<sup>23</sup> Note: Peggy was correct that no legislation had passed; however, her State Board of Education has passed guidance that contains DCL boilerplate language (i.e., from the original presidential executive order).

band repertoire, it is not uncommon for composers to draw from these folk and/or traditional musics. But some pieces appropriate these tunes while others use them as source material for a wind band composition. In other words, a wind band version of any folk song from any culture will be inauthentic—and there is a difference between drawing inspiration from a tradition outside of wind band and trying to pass [off] a wind band composition as “authentic.” Peggy enjoys discussing these issues with her students and “the discussion takes a different form every time we have it.” Importantly, these discussions help deepen preservice music teachers’ understanding of appropriation issues in repertoire and prepare them to make strategic decisions about what musics will be performed in their classrooms.

Music teachers are in a unique position to help students understand the current and past political climates that influence their everyday lives. So, Peggy tries to empower her students to “think of themselves as agents of, not of change, but agents of citizenship.” This empowerment is about balancing the freedom to explore new ideas with the realities of the profession. Part of this is helping students “be comfortable with different social settings. Political settings. Cultural settings. Melting pots and reflections of the student body.”

Ultimately, Peggy simply tries to show her students “how much they can make a big difference through music education.”

**A Choir Director's Story**  
Collected by Saleel Menon

It is true that legal action can be taken against a teacher personally if they do not comply with DCL in my state. I am fortunate to not have had to navigate this yet, but it is a clear and present threat in my mind. I am transparent with the students about how controlled and policed my profession is. I am transparent about the fact that I love being their teacher and the art of teaching, but being a teacher ... is pretty horrible. I have made my peace with the fact that I might lose my job someday because I chose what is right instead of what is sanctioned by laws that are protecting ... who? I understand that even saying "I've made my peace with losing my job" comes from a place of privilege and still—if I am fired or canceled because my classroom was a safe place for a kid to learn who they are, who they are becoming, who they could be ... Then in my mind I have fulfilled my philosophical responsibility as a teacher and I will take my talents elsewhere, to a state that embraces students for any and all the identities they express.

That being said, out-of-state colleagues will often exclaim, "Oh my gosh, I don't know HOW you teach in [State 3]," knowing my liberal, democratic proclivities. My response is a theme and variations on, "Well, it's not comfortable for me to live in a state where my rights as a woman are threatened. It would personally-socially-politically be easier for me to live in a different state, but for the fact that secondary choral music is thriving in [my state] in a way that it simply does not in other places. My program is huge and diverse and *the* 'safe space' on campus for my students who identify as LGBTQIA+, Black, Latinx, AAPI, or are similarly othered. Those kids need a safe space regardless of where they were born or the families they were born to. As long as living in [my state] remains tenable to me as a human being, I'm going to continue to provide a space where you can just be *you* and not othered by the state or anyone else."

Thus far, I am aware that the state is *trying* to micromanage my instructional capacity, but I haven't stirred the pot enough to feel the effect directly. I believe the reason for this is that I go to great lengths to build strong pillars of support around our program and our students. When my administration asks me to perform "The Star-Spangled Banner"—even at a moment's notice—I make sure to say yes. I go to great lengths to make sure parents know about the opportunities I provide for the students, and how much my love and care for them guides my decision making. I am careful when we encounter topics in class such as racism, sexism, microaggressions, etc. I work to frame these discussions so that students understand that I am not telling them what to think, but rather that I am encouraging them *to* think and not just accept the status quo as they've been socialized. I strive to impart that when they are thinking about some new piece of information it is important to listen to perspectives different from their own, even when it's uncomfortable.

These laws show that some students hold more value than other students. In the same way that Black and Latinx people are more heavily policed by governing authorities, I see our queer, female, Black, and Hispanic students more heavily policed by teachers and principals. For example, my female students and trans students are policed with regards to our dress code, which might be tightened as a result of these laws. For my students of color, often expressions of civil protest or notions of activism are dismissed. Recently, my district administration asked my choir program to perform at an important commemorative event regarding a race-based atrocity that happened on our school's property before our school was built. I invited all my students to participate in this event, regardless of their skill or experience. If they wanted to be part of righting a historical wrong, engaging with Black History in a way specific to our community, or singing for a cause beyond a Fall or Winter choir concert; I wanted them to be a part of it too.

The kids joined together across choirs, across racial, gender, class, and sexual identities to put this music project together. The students and I co-constructed movement and choreography to enhance the messages delivered both in each individual song and the set as a whole. At the point in the music where there was a rapping solo, the students had the idea to kneel to draw attention to the soloist. When they posed this idea, several things happened at once. We all got really excited about how cool it would look. I loved the idea both because it accomplished what we needed it to in terms of the visual impact and for the symbolism and association with the Black Lives Matter movement and the nationwide peaceful protest sparked by Colin Kaepernick. I exchanged a look with my colleague that communicated several questions simultaneously—*How much trouble could we get into for this? How much trouble could the kids get into for this? How much could this damage our program? How much will this distract from the intention of this commemorative event? Is making this seemingly radical choreography choice going to damage our chances of continuing to be invited to do special projects? Does all of this risk outweigh how empowered and passionate our students are feeling right now?*

We decided to keep the kneel for the time being, and have our coordinator (the woman of color who invited us to perform and co-designed the music set with us) approve or amend it. I said, “Let’s keep it because it’s brilliant, but we need to realize that we are kind of part of a contract here so our artistic license is somewhat limited.” Well, there was another part of the song where the students wanted to raise their fists in salute to Black Power. Again, it created a bone-chilling effect in the context of this particular commemorative event. In fact, the kids were bouncing ideas off of each other and making space for each other and educating each other on how to make this performance as impactful and meaningful as possible. All of them were engaging with criticality and practicing empathy!

I called the coordinator after rehearsal and told her about all the exciting things that transpired during rehearsal. She came to our Black Excellence Concert to check it out, and we planned to have her come talk with the students the morning before our performance. Before she came, I discussed with the students the many nuances of being an artist, receiving a commission to perform, the impact to the various stakeholders, and how we might have to make some sacrifices with our co-constructed vision of our performance. I promised that whatever decision our coordinator made, we would also make time to unpack our feelings about it AND what the impact of this set and this mission had on their lives. Although this preparation was invaluable to my students, I was constantly worried that a parent or administrator would think of this as a teacher’s political agenda being thrust upon their students.

Not surprisingly, our coordinator nixed the Black Power fist. She also told us that we might have to nix the kneel, but she didn’t see it as problematic during the performance because it highlighted the soloist. We loaded the kids on the bus, they got to have a private tour of the part of the building made into a museum/memorial display, and we got pumped and prepared for our performance. Minutes before we took the stage, I got a text from our coordinator that we should not kneel. Someone mentioned it to the school district board president and the school board president (a white woman at the time) nixed it right before the kids got on stage. It was a visceral moment when I delivered the message, and reinforced the state of overwatch and hypervigilance we all feel as a result of these laws.

## Rita's Story

Collected by Andrew Bohn

In spring 2021, [State 4] became one of the first states to pass a divisive concept law aimed at banning the teaching of critical race theory and other topics deemed controversial. This was passed hastily with little guidance given to teachers or administrators on what was considered divisive and what was to be done if an incident occurred. During this time, teaching was still in a hybrid format with students meeting via zoom or in person, sometimes with teachers instructing groups of students in either format at the same time. What follows is a narrative of an incident that occurred the same week that the divisive concept law was passed.

During a general music class occurring the same day that [my state] passed its divisive concept law, I was discussing Benny Goodman as an aspect of jazz history with students. Using *Music! Its Role and Importance in Our Lives*, a curriculum that had been used for the past 15 years, I shared how Benny Goodman refused to bring minority members of his jazz band through the back door of performance venues. "We all come through the front door or we don't come in at all." With jazz being a uniquely Black American artform, the spread of jazz and its growing popularity showed how the arts were, at times, more inclusive than the rest of society. A student asked, "Why was that the case? Why couldn't the Black musicians come in with Benny?" I responded simply, "Segregation and other Jim Crow laws." A simple answer that, unsurprisingly, sparked a follow-up: "What is segregation?" "It is separation, it was a separateness that was based on race." What followed was a brief explanation of Jim Crow and segregation laws noting that "many jazz musicians were not a fan of this and were some of the leaders in not following them." Connections to Benny Goodman were made and the conversation moved on. This lasted only a couple of minutes.

Within an hour later, I received an email from a parent who was listening into class with their student on zoom. The email stated "This is inappropriate, unprofessional, and illegal. You should be jailed, sued, and fired. This law is meant to stop students being subjected to this kind of information." Seeing that this email was also sent to my administrators, I burst into tears. "This is the curriculum we have been using for 15 years." I went and spoke to my arts colleagues and thoughts rush through our heads: What did I do wrong? I simply responded to a student question with a simple and straightforward answer. There was no agenda—it was connected to the topic of the curriculum. Was this student prompted to ask about segregation? *I felt pounced on and set up.*

Immediately, I went to our administration for guidance, especially since they were emailed as well. My assistant principal says "I know this law has been enacted, but we don't even know what this law means or entitles. Just apologize to the parent to smooth things over so that this will go away." "What are we even apologizing for? Benny Goodman? We've been using this curriculum for 15 years and have never had issues." "Send an email apologizing to the parent saying you didn't mean to offend anyone by answering the question and move on. Then pretend it didn't happen." We refused to apologize, but had our administrator respond to the parent saying that it has been addressed. We didn't know what else to do.

As an arts team, we set up a meeting to discuss what we've been teaching and how we've been using our textbook for the past 15 years. The purpose is to be inclusive, not offensive. Our administration says, "Don't teach this anymore—just avoid it so we have no problems." "How do you teach jazz, and the contributions of Black Americans to the culture, without mentioning who the people were?" We were told to avoid any discourse that frames anyone in a paradigm that references race. My colleagues are fearful of admitting to violating state law by mentioning anything related to race. To this day, there has been no training with teachers to address what CRT is and is not. The public doesn't understand what CRT is—if anything is mentioned of race, it is considered critical race theory.



Teachers are frightened and are afraid to mention anything that could be viewed as divisive with no guidance on what that means. You can't teach the approved curriculum; you can't frame things how they were meant to be framed. Guidance and administration avoid this topic all together, so nothing gets addressed. There is fear around who is listening into class and who is monitoring. Who defines what is beyond the line? It's so broadly defined that you don't know what to do or not to do. People in positions of higher authority don't have understanding either- this creates problems all around. This is a disservice to teachers and students.

**A [State 5] Band Director's Story**  
Collected by Lorenzo Sánchez-Gatt

Navigating my state's Divisive Concept Laws has substantially impacted not only my teaching, but has impacted my personal life and, more importantly, harmed my students. My district and administrators chose to err on the side of caution and immediately encouraged teachers to disengage from teaching anything that may cause angry parents to file complaints with the school. Navigating a large number of my discussions with students has been considerably difficult because the legal terms are so confusing that our leadership has been unable to communicate what is and is not acceptable. One change that our leadership *has* been clear about is that parents have a bill of rights that allows them to have input on what their children learn. This bill of rights has already created some difficult circumstances in my classroom. I recently created an online assignment for students to complete where they share the pronoun they prefer to be addressed by. Not long after publishing the assignment, I received a phone call from my administrator asking me to remove the assignment because several parents were upset by this choice and felt that their children were being indoctrinated with "woke ideologies." One other instance that occurred was when I was introducing a piece by a diverse composer to my students. I believe it's important for the music we play to reflect my students, so I show them photos of the composers and share their backgrounds. Right in the midst of the COVID pandemic I engaged in this activity with my students and was met with several upset parents. I had a zoom meeting because of this interaction with my administrators and several parents that resulted in accusations of race baiting. While my administrators were supportive when parents were attacking me, our relationship has not been the same.

Since my district and administrators have started enforcing these new rules, I have been unable to teach and do other aspects of my job like I used to. I have always understood the importance of diversity, equity, and inclusion and have engaged in my district's diversity champion program for the past year. The champion program involves workshops and PLCs [professional learning communities] with other equity-focused teachers and leaders in the district and sharing what we cover with our own schools. This point of progress and pride has become a source of anxiety now that I cannot share information and help my coworkers without tension. I no longer feel safe speaking up to coworkers when they say or do harmful things to our diverse students because doing so will be seen as divisive. My teaching has also become limited since these laws have been put in place. My principal has specifically asked me to only share photos of conductors in class and to not talk about the race or sexuality of the composer after they received calls from parents because I shared that Randall Standridge, who composed the piece they were playing, is a member of the LGBT community. I am now stuck wondering how to teach what I know is important for my students to know in a way that doesn't get me reprimanded or fired.

The impact of these new laws has made my job much more difficult, but seeing how it affects my students has been the hardest thing to endure. I have had one student for the last three years that has confided many things in me, including that they are trans and their chosen name. Jesse<sup>24</sup> has never felt safe discussing this with their parents at home, but they felt safe enough in my class to share their pronouns and to lower their guard. My administrators have required that we only use the names and genders that are marked on our roster to avoid violating any divisive topic laws. I cannot help but notice the pain in Jesse's eyes whenever I use their dead name. Other classmates have noticed and one student has started to intentionally bully Jesse by misgendering them. This student's parents have

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<sup>24</sup> Pseudonym

already called and made several complaints about my teaching, so I find myself unable to correct the harm and unable to make a safe space for Jesse anymore.

It was always my plan to teach for 30 full years before retiring and working at a college to share my teaching wisdom. Lately, though, this job has become heavy, and I am considering leaving the profession. My interactions with my students are great, I think they really get it, but the adult side of the job is demoralizing. I cannot look at the news anymore, yet it still follows me. These divisive concept laws feel like a war against the teachers that actually care about children. I've started therapy and coaching to figure out how I can make this sustainable, but we haven't figured out a solution. I just wish that parents and lawmakers would understand that I don't teach content, I teach kids, and it's my job to teach and lift up who they are.

## A Fine Arts Supervisor's Story

Collected by Karen Salvador

I am a fine arts supervisor for a large school district in [State 6]. My responsibilities include funding, management, and instructional support for 52 educators who teach band (grades 6-12), vocal music (grades 6-12), general music (PK-5), theatre 6-12, and visual art PK-12. I have held this position since August 2022, and prior to that I was a middle school band director in the same district. I returned to teaching from working as a professor of music education for more than two decades, after a prior career as a band director. I have noticed a number of impacts from DCL, most notably on my district's accreditation, on teachers I supervise, and on educator recruitment and retention. I also have a few reflections from my own perspective.

**District Accreditation:** In January 2022, after [my state's law] took effect, my district had their first violation report. In a student leadership class, the teacher of record was absent. Another teacher stepped in and led a "diversity walk" with prompts that included questions about race and ethnicity. A student recorded video with her phone, because her father had told her to do this if she was in a situation where she thought the law was being violated. After their complaint was filed, the school district investigated and decided the teacher had violated the law. District officials talked with the parent, student, and teacher. At that time, the parent was satisfied with handling the violation internally.

Then, in August 2022, the matter went before the state school board. Amidst a background of ongoing issues between [my state's] state superintendent, secretary of education, governor, and a school district, all violations were rolled into one vote. The district where I work had state accreditation reduced two levels to "accredited with warning," which is two steps away from state takeover. This change in accreditation status was based on one incident, involving one (guest) teacher, one student, and one parent. Concerned that school board members had not read the complaint when it was rolled into all agenda items for violations, our district asked for reconsideration, and they were told no, that accreditation is only revisited once a year. I am concerned about the lack of due process for school districts in relation to the law. When I talk with parents and teachers, I find widespread support for schools and what they are doing. The most common comment I hear from district stakeholders is that this one potential violation between one teacher and one student has resulted in everyone else paying a price. Further, I do not believe that this incident violated the law.

**Impact on Fine Arts Teachers.** The teachers I supervise have three main responses regarding their responses to [my state's] DCL. One set of teachers is quite fearful. They send me materials on a weekly basis, asking "Is this OK?" "Can I teach this?" In many cases, the materials the teachers ask about are from a state-approved curriculum such as the AP curriculum for visual art. To assist this group, I try to reassure them—to restore their comfort enough that they can be effective teaching. The second group of teachers are saying (essentially) "I'm teaching how I teach and if they don't like it they can fire me." These teachers are not pushing an agenda, but they are continuing to teach how they teach—especially with regard to maintaining their commitment to social and emotional learning, which is not addressed in [our state's] statute (yet). The third group of teachers is changing their curriculum. This curriculum restriction is one of my main concerns related to DCL. The children we have here deserve a rich diverse education like anywhere else. We will need to be the most artistic teachers we've ever been. We're going to have to continue teaching the same curriculum we've been doing without students and teachers interpreting us as breaking the law.

To support the educators I supervise, I created a performance proposal process. Teachers submit a list of repertoire or synopsis of script that I review and approve. This process has resulted in good dialogue when a teacher proposed a folksong that had a racist background, so that was a silver lining to instituting this process. One high school vocal music teacher flagged a spiritual on her proposal because she was not sure she could teach it. I helped her by asking, “Why is this important to program? Why is this important right now?” The teacher decided to keep the spiritual in the program. I wonder what might have happened if this teacher was not supported by a fine arts administrator.

Just before school started in August 2022, district upper administration required all teachers to pull anything from their classroom libraries that did not meet standards. One high school theater teacher I supervise has a collection of 800 scripts, and the band and choral teachers have thousands of pieces of music. I decided that teachers would not be required to pull materials from libraries that students do not access (e.g., band and choral libraries). However, students had access to the theater library, so I asked the teacher to review it, with this direction: “Anything you think is worthwhile and necessary for study, I’ll back you up. You are the expert and I am going to rely on your expertise.” The teacher ended up pulling 12 scripts that addressed topics that might cause questions or criticism she was unwilling to face.

In August 2022, the same parent who had reported the previous violation reported a violation related to the high school band’s halftime show. The show used a song from a Netflix movie musical, *Prom*, that focused on a girl who wanted to take her girlfriend to prom. By using that song as a part of the halftime show, the parent alleged that the show was promoting a gay agenda. The complaint noted that there are gay members of the band staff. (There are also heterosexual members of the band staff). This was a veiled suggestion that some band directors’ LGBTQ identity was influencing the selection of materials for this show. The board (in collaboration with administration, including me) were able to resolve this matter internally.

**Educator Recruitment and Retention.** When the district announced the classroom library restrictions, one of the finest ELA teachers I’ve ever worked with resigned over this, along with more than a dozen other teachers just in our district. In addition to losing teachers, recruiting students in education is becoming increasingly difficult. While I do not think that DCL are first and foremost in people’s minds, DCL are a last straw for people. My biggest concern is: the teachers affected most by DCL are the teachers we really want in our classrooms. Those who will step back and say “tell me what to teach” we’ve got plenty. Those who are thinking critically about what they are doing and have a clear vision for the educational outcomes they are hoping to facilitate, those are the ones DCL are affecting. And that is making it hard to attract really thoughtful mindful educators that I want to hire. We have an opening coming up, and I went to a good friend who I think would do an amazing job and she said, “I’m not coming back to education, I don’t want to be a part of that.”

**Reflections.** When I talk with parents and community members about [our state’s] DCL, I try to mention, as casually as I can, “you realize, that teachers in schools are not teaching CRT .... it’s not even possible.” The rhetoric about CRT is ludicrous, it’s become a way to define this evil in our classrooms and put a name to it. But if you say it enough times and with enough venom behind it, people will believe it. I think DCLs are tied to parental control and vouchers—that parents believe “CRT is keeping us from having control of our schools, and if we get rid of it we will have more control.” However, individual parents exerting control over day-to-day classroom operations deprofessionalizes education. As a parent and

educator, I never felt like I needed to be the expert on my child's education as a whole. They got plenty from me all the time. But they needed to have other ideas and thoughts so they could grow into the sophisticated women they are now. It seems that this worldview is so fragile that it cannot withstand any kind of opposition. And opposition is vilified and not considered on merits. From a geopolitical perspective that really concerns me. I see parallels where that has happened historically—where that's been the tactic of the people in power. I am glad I can offer support and guidance for the teachers I supervise—I want to make sure that they have the help they need to teach well. Support from an arts administrator may be particularly important when navigating DCL, and I appreciate the support I am getting from other arts administrators. I've got at least half a dozen other fine arts directors on speed dial. We talk about specific situations we have in each of the districts in which we work. It helps to talk through the decision-making process even if the specific situations are different. These are very valuable exchanges.

## Winston's Story

Collected by Benjamin Helton

Winston is a music teacher educator at a public university in State 7. In recent months, the [state] government has cracked down on academic freedom in higher education and curriculum in K–12 education.

According to Winston, the passage of [his state's DCL] indicates an effort by the government to control classrooms by excising divisive topics from discussion. The definitions of these topics are vaguely written in the law and can apply to anything from affirming student gender identity to discussions on white privilege. Regardless, Winston sees these efforts as ways to control the population as a whole.

By eliminating critical discussions about race, gender, and class from schools and disincentivizing scholars to dissent from the government's message, critical thinking skills become deprioritized by force. If a teacher has the gall to defy the state, they risk losing their jobs and careers. Teacher educators then play a precarious role in equipping their teachers with the tools to be successful in [our state's] classrooms. After all, K–12 students still need high-quality, dedicated, and qualified teachers despite [the governor's] efforts to control the educational discourse.

Winston considers himself a “big-mouthed crusader who stands up for the little guy” and aims to counteract the vocal “oppressors” in [the state's capital] by being just as vocal as them. He sees the [state's] government's recent actions as attempts to exploit the resources of public education for both financial and political gain.

The chain begins with public education being a threat to laissez faire capitalism by preventing those looking to capitalize on education from profiting off its resources. Additionally, humans who lack critical thinking skills are easier to control. If those looking to accumulate wealth and consolidate power want to accomplish their goals simultaneously, public education is a perfect mark.

Winston asserts that a key strategy in accomplishing the goal of dismantling public education is to demonize and devalue teachers. He summarizes: “Nobody wants to be underpaid, controlled, and made to feel guilty of every inequity on the face of the earth.” These negative, partisan attacks on teachers are designed to hide lawmakers' intentions from the general public. Winston compares these efforts to a puppet show, with lawmakers trying to entertain voters through toothless policies meant to scare and control teachers.

So, one of Winston's missions is giving his preservice teachers and graduate students the tools to see, and subsequently cut the puppet strings. He acknowledges the technical limitations to what he can say but houses the same sentiments in more strategic language. Unfortunately, local teachers have given him the impression that they are not inclined to be as defiant as him. Teachers are too busy and scared to stand up and express their discontent with the curricular control from the state. They are aware that the legislation is poorly written and, if they were actually accused of violating [the law], they would not be convicted of an actual crime or have their teaching license revoked. However, none want to waste the time and risk the legal counsel bills associated with any litigation.

All this turmoil has exacerbated the teacher shortage in the state to the point where [our state] will allow any military veteran to get a teaching license simply by being a veteran. Winston sees this move as

a two-pronged strategy to create a more obedient student population and to devalue the efforts of professional educators.

People tend to teach how they were taught, so allowing military experience to count as professional teacher training perpetuates militaristic classroom management and expectations while discouraging dissent and insubordination. According to Winston, this move follows the earlier theme of the state wanting fewer critical thinkers and, thus, fewer people questioning the authority of the government. Additionally, it suggests that “anybody can teach as well as licensed teachers,” which disincentives students to enter a teacher preparation program, creating a teacher shortage downward spiral.

Regardless of these sudden changes in [his state], Winston remains vigilant and will “fight the good fight” for pre- and inservice music teachers’ agency in the classroom. In the meantime, his current plan is to help preservice music teachers find their voices and give them the tools for survival in schools. At times, this may require a type of “malicious compliance” with the law. Winston shared an example of malicious compliance through an anecdote from one of his graduate students. A parent emailed them asking for a list of all the songs their child would learn in music class. In response, the music teacher copy/pasted a 1,000 song list in the email and wrote “We will learn a subset of songs on this list.”

Winston feels motivated and empowered by these types of protest and continues to help teachers find their own ways of navigating the [State 7] education system.



**A Story from State 8**  
Collected by Saleel Menon

My school district administration recently sent out a letter in support of our LGBTQ students to the entire district. I wonder how far the support voiced in the letter will extend in light of state legislation that limits the agency of teachers' instruction and the recent election of a new state superintendent of public instruction who ran on an anti-CRT platform. This newly-elected state superintendent used to be a school board president and would know that CRT is not explicitly approached in our schools, yet he chose to run on this divisive platform to garner support to oust the current pro-education and -teacher state superintendent.

This letter, which went out to the whole district, voiced support for the LGBTQ community in the wake of the anti-LGBTQ brutality and domestic terrorism sweeping the nation. What does support mean? What does it look like? What will it look like if someone reports one of us to the news? The empty platitudes of support, the thoughts and prayers, do nothing to help. I know how to support my LGBTQ students in my classroom: I work to create a space where they feel safe and comfortable expressing themselves, and communicating how I can best support them.

I teach band at a Title One high school in an affluent suburb where a bit more than half the students come from outside the attendance boundaries. We have a majority BBIA student population and a healthy LGBTQ population as well, regardless of ethnicity. Some of the local community looks sideways at our school. Our principal, a BIPOC woman, has commented that the school has an undeserved reputation as "the ghetto school." Our band performs well at all of our contests and the school earned a B letter grade from the state—being mere points away from an A, so good things are happening here, but some in the community refuse to see it—and choose to send their students to other schools in the district via open enrollment.

I have a trans student who is racing against the clock to get his top surgery before the law comes into effect banning the surgery even with his parents' approval. A few weeks ago, this student was elated. He got into the required consult for evaluations leading to surgery. I thought: "I'm excited for him because this is making him so happy." And also: "How will this affect the student's dad, who is also a teacher? This is exactly the kind of story some people want to get hold of and *get wrong*." This is just a parent who is supporting their son through their transition, but now has to worry about running out of time.

A band parent works at my school as a teacher and sometimes will direct theatrical plays. He has to tread very carefully and jump through many hoops to get scripts approved. He needs to sell the value of his productions to everyone—even those not directly involved. It's frustrating he has to satisfy people about something that isn't harmful to them, while at the same time trying to respectfully bring attention to subjects or communities that are often marginalized. We have these new laws on the books to protect people who haven't been harmed. We are protecting them from what—themselves? Recognition of their privilege? We used to just try and do right by our students, but now we have to worry about what other people think about what's right for our students.

There is a lot of anxiety associated with teaching now. You can sense it in faculty meetings when the admin says, "Okay, don't freak out, but ..." and announces some new ugly possibility for which we must prepare. These laws, within the context of the larger political arena, teachers being called groomers, etc. causes so much anxiety. These laws are bringing heightened scrutiny to the behavior of teachers, allowing some students and their families to take advantage of fear mongering and misinformation with serious consequences ...

I've lived most of my professional career closeted. This (teaching at the cusp of these laws being enacted) feels very much the same as constantly looking over my shoulder when I was living in the

closet. Some of these laws are being pushed through by making people scared of people like me, and I don't want to wind up as someone else's boogeyman. Several band staff will stay after events with me until all students are picked up, so that I don't put myself in a situation where anyone can say anything. I am in a state of hyper-vigilance. It is tiring to maintain it day after day after day for months with no end in sight. But it is what I feel I have to do to protect myself.

My partner has been in education for almost 20 years as both a classroom teacher and as an administrator. Last year he was accused of inappropriate behavior with a female student, and spent 6 months out of the classroom while there was an exhaustive investigation. The investigative process forced him to come out to the investigator, to defend himself. We worried "Was that the right thing to say/reveal? The stigma against gay teachers is even worse!" He was ultimately fully cleared, but I think the child and family understood that the quickest way to get a teacher they disliked removed was to make these accusations. Apparently this family had done something similar the prior year to a different teacher. What happens to them for falsely accusing?

I don't know that anyone will end up in handcuffs very soon because of these new laws but they are very worrying to me. My father was in World War II and a European Jew. He had very strong opinions about how this starts, how it progresses, how it plays out ... I hope that's not what this is, but it resonates with me based on recent experience, and with things my dad told me about his experience.

Where are we headed? What am I going to do about it in my classroom? How do I do my job? There are a lot of kids with a lot of *stuff* that need a place to belong, and now I am always looking over my shoulder. I'm not sure what my district can and cannot do to protect me—or if they would. And there are also the day-to-day concerns of actually teaching the classes: I'm trying to get my kids to learn their instruments, and all the soft skills that come with being in band, etc. I'm trying to do this in an atmosphere that values them and teaches them to value themselves. And yet, Big Brother may be watching all of us. How did we come to this moment in our profession? This is supposed to be fun for them and for me! It's called *playing* your instrument for a reason, yet there are so many things that already get in the way of that—and now we have these laws, too. The kids have to feel safe before they can learn, and now there are laws that show some of the kids that they are not as safe or as valued as the others.

## Introduction to Resources

Karen Salvador

In the final section of this report, NAFME leaders offer suggestions and resources based on concerns and questions members shared. These short documents directly address areas members wanted more information on or were struggling with. First, for respondents who weren't sure whether there was a DCL in place or weren't sure how to learn more, Ryan Shaw and Cara Bernard provided a brief guide to *Navigating Local and State Policy*. Then, for respondents who were concerned about student well-being and/or impacts on their relationships with their students, Suzanne Hall and Rollo Dilworth wrote *Social and Emotional Learning in the Music Classroom: Advocacy and Strategies*, and Constance McKoy wrote *Continuing to be Culturally Responsive in PK–12 Music Education*. William Sauerland and Nicholas McBride's resource, *Music Teacher Resources for Affirming LGBTQ+ Students* directly addresses responses we received. To support those who felt their curriculum was restricted, we offer three resources: *Diverse Repertoire as a Necessary Part of General Music Education* by Ashley Cuthbertson, *Maintaining and Expanding Repertoire Diversity in Secondary Instrumental Music* by Rob Deemer, and *Diverse Repertoire in Secondary Choral Settings* by Stefanie Weigand. All music teachers may find relevant information in each of these, even the ones not specifically for their content area. Finally, Deborah Confredo steps outside of the classroom setting to address *Divisive Concept Laws and Music Educator Recruitment and Retention*.

The report concludes with two decision trees, developed by Joseph Abramo, that might help teachers and administrators consider how they approach DCLs and the resources in this report.

## **Navigating Local and State Policy**

Ryan D. Shaw and Cara Faith Bernard

Policies drive the daily work of music teachers in schools, influencing both their decisions and how their music programs fare. These span levels of bureaucracy, representing the complex ecosystem in which schools exist. For example, local policies—set by building administrators and school boards—shape the everyday routines of communities. These might include grading policies within the school, graduation requirements, and issues of diversity, equity, inclusion, and belonging. State policies might include mandates on instructional time, district funding, content standards, and teacher licensure requirements. Similarly, federal education policies can involve money for special education and testing requirements. While many of these policies are not music-specific, they influence music teachers’ planning and instruction and the ways in which they participate in their school communities. Simply put, policy is the water in which music educators are swimming.<sup>25</sup>

Understanding policy can feel like navigating through murky waters. The metaphor of navigation is often used with regard to policy or implementing reforms in the classroom. But what does it mean to navigate? In the classic sense, navigation means to find one’s way, using available resources. With regard to policy, this can be challenging for educators who may feel that policy is created in faraway places, with the eventual trickle-down passing through twists and turns that obscure the people and processes involved. Continuing with the metaphor, policy then, can feel like navigating in a fog or without a compass. Teachers’ commitments and intense work schedules compound the problem: who has time for navigating confusing policy amidst day-to-day responsibilities?

However, navigating policy should not be seen as separate from classroom responsibilities. Rather, the two inform one another and aid in teachers’ decision making with regard to responding to and enacting policies in their classrooms. Author Patrick Schmidt (2020a) calls the marriage of enacting policies with classroom responsibilities and decision making “policy knowhow,” which allows music teachers to understand policy, speak, and act in ways that are “relevant to [them], their programs, and their work” (p. xi). Having a policy knowhow can make a difference between music teachers actively participating in policy in their school communities versus feeling a lack of agency—that policy is something being done to them (Aguilar & Richerme, 2020; Schmidt, 2020b; Shaw, 2020; Shieh, 2021).

Navigating policy, then, means developing policy knowhow, and specifically knowing both *where* to go to find answers and solutions, and *how* to get to a desired destination. In terms of the *where*, educational policies are made in multiple arenas—in state legislature committees, among elected or appointed state school board meetings, in state department of education settings, and in district central offices. Lobbyists and interest groups may also play a part, providing language for statutes and creating advocacy campaigns. Determining the *how* means understanding policy processes. A policy solution may start with advocacy and eventually end in legislation. It may also involve crafting guidance or working with teacher teams to create curriculum. Finally, when a policy is vague, it may mean remaking policies that invite interpretation. In this sense, teachers themselves are *de facto* policy makers.

Examples of policies that affect music teachers—and require navigational work—have abounded in recent years. These include regulations on standardized testing, and new reforms around teacher performance evaluations. The most recent policies are the focus of this report—laws on what teachers and schools may and may not teach in terms of so-called divisive concepts. These policies affect music teachers, as the impact stories in the report demonstrate, and require careful navigation. The group PEN America tracks policies related to “prohibited” or “divisive” topics across the United

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<sup>25</sup> See the recent Special Focus Issue of *Music Educators Journal* for an overview of policy (Volume 107, no. 1 from 2020).

States, including topics related to race, racism, gender, and American history. They note that “24 legislatures across the United States introduced 54 separate bills intended to restrict teaching and training in K-12 schools, higher education, and state agencies” between January and September of 2021 (PEN America, n.d.). As of August 2022, some of these bills have been introduced; others have passed a single legislative chamber and await further hearings; some have become law. In seven states, the policy avenue for divisive topics regulations is not legislative, but executive, with action coming via executive orders and state board of education declarations (PEN America, n.d.).

Contentious policies such as the aforementioned are becoming increasingly prevalent issues that impact music educators’ daily work. Music teachers who are trying to navigate such policies might begin with one or more approaches:

1. *Seeking out the most current information on contentious topics policy in their state and district.* Getting on a mailing list for an organized group that tracks education legislation is often a shortcut, here, as state-level organizations representing teachers’ unions, school boards and/or administrators often have staff members devoted to following and communicating on policy in this manner. If a school district has passed its own policy, this may mean asking a principal for information or attending a school board meeting.
2. *Seeking out others for collaboration and learning.* Groups of educators and many in higher education are currently studying how to teach on topics like slavery, Jim Crow laws, and gender/sexuality in light of recent laws. Reading their reports<sup>26</sup> and white papers can be helpful to music educators wondering how their own curriculum may be impacted.
3. *Exploring the possible flexibility and oversight in laws and regulations.* Policies are often written to be intentionally vague, allowing for interpretation and flexibility. Additionally, some policies are often enacted without a mechanism for oversight—in other words, there is little that would enable follow-through and regulation. Finally, contentious topics laws are “aimed” in different ways. Georgia’s bill (HB 1084) holds school districts accountable and would punish districts for infractions; other bills lack clarity. Mississippi’s SB 2113 says no public funds can be spent on certain instruction but does not describe appeals or penalties for lack of compliance.

Earlier in this document, NAFME provided examples of how these laws and regulations are impacting music teachers’ work. Reading these stories provides a fourth starting point, providing insight and supporting music educators as they enact their policy knowhow and navigate potential contentious policies in their school communities.

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<sup>26</sup> Two examples are the American Association of University Professors’ resources on [Educational Gag Orders](#) and the National Education Association/Law Firm Antiracism Alliance report [The Very Foundation of Good Citizenship: The Legal and Pedagogical Case for Culturally Responsive and Racially Inclusive Public Education for All Students](#).

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## **Social and Emotional Learning in the Music Classroom: Advocacy and Strategies**

Suzanne Hall and Rollo Dilworth

Classrooms are not only educational environments, but also social environments where students engage and develop relationships with their peers and teachers. Within this social environment exists a range of cultures, traditions, ideas, perspectives, and lived experiences representative of a global society. SEL competencies build skills to function within diverse settings, skills that are essential for students (and their teachers) to be successful as citizens in their schools, homes, and communities, as well as prepare them for global interactions. Roser et al. (2000) asserts that

how well adolescents organize their developing biological and psychological capacities in conjunction with the evolving social, cultural, and historical circumstances of their lives is one essential factor in determining whether they stay engaged and perform well in school, develop positive relationships and feel positive about themselves and their future. (p. 443)

As part of Social and Emotional Learning (SEL), students learn to understand and regulate their emotions, work collaboratively with their peers, develop empathy, solve problems in a proactive manner, and set and achieve their own goals through explicit instruction (Collaborative for Academic, Social, and Emotional Learning, 2022). Besides supporting the development of “healthy relationships” that contribute to overall well-being, it also encourages collaboration with family and community partners to address students’ non-academic needs. These initiatives directly impact the academic outcomes of students (National Commission on Social, Emotional, and Academic Development, 2022).

It has long been a historical concern in American education to consider the psychological well-being of students. Examples include Maslow’s Hierarchy of Needs (1970) and the Taxonomy of Educational Objectives Handbook (1956) that contains social and emotional elements. Those frameworks, among others, have always been an integral part of the teaching and learning process. Every subject we teach—especially arts subjects—is intertwined with self-awareness, self-management, responsible decision-making, relationship skills, and social awareness, regardless of whether it is called “character education” or “citizenship training.” In other words, one may view SEL as a new and advanced way to address competencies that are inherent in all subjects. The respect for individual expression is one example of a behavioral competency that cannot be separated from our lives as musicians and as human beings.

Though often associated with pedagogies such as critical race theory, SEL differs entirely both in concept and practice. The following tips may be helpful to music educators interested in incorporating social-emotional learning into their existing curricula:

1. Know what SEL is and what SEL is not. Social and Emotional Learning is not a classroom management tool, a form of religious indoctrination, a value system, or a political ideology. Instead, it is a self-validating and relationship building pedagogy that offers students tools to attain their own success and for them to exist compatibly with others.
2. Advocate that SEL works for *every* child in a holistic way. Social interactions can be extremely complicated when one puts stipulations on how humans should feel and maneuver in their world. SEL is student-centered and seeks to uphold the experiences of every student and affirms that their voice matters.
3. Educate students, parents, administrators, and other stakeholders in the school district and community on the principles of SEL. This can be accomplished by demonstrating how SEL

competencies are perhaps consistent with and intersect with the core values and character/citizenship development initiatives that already exist within the school building/district.

4. Collaborate with the stakeholders in your school/district to co-construct a set of shared goals and activities that use music to address SEL competencies.
5. Clearly state your intention in course goals—Misconceptions arise when the goals of SEL are not explicitly stated, or if gray areas exist that allow inaccurate narratives to emerge about what takes place in music classes.
6. Utilize the Music Education Standards (Creating, Performing, Responding, Connecting) as a framework for building skill sets that are common to both music learning and SEL, such as collaboration, critical thinking, artistic expression (self/emotional awareness), interpretation (decision-making), and increasing performance accuracy (grit).
7. Demonstrate skills through cognitive modeling. It is beneficial for students to see skills modeled that they are capable of performing (Edgar, 2017). When educators are confronted with a challenge, conflict, or emotional experience, they can communicate aloud the techniques used to resolve the problem or process the emotion. Such tasks that are not covertly expressed can allow students to see how to navigate them.
8. Maintain and nurture your own social and emotional needs. Consider incorporating the strategies in daily practice outside of the classroom. With topics such as SEL being, at times, controversial, it is more important than ever for educators to put the same strategies into practice. Honor your emotions, nurture your identity, and collaborate with individuals and other educators that can assist in communicating the goals of SEL.

Social Emotional Learning is a “powerful tool for building caring, just, inclusive, and healthy communities for all people to reach their full potential” (CASEL, 2022b, para. 1). The music classroom has always been and will remain a place where students' social and emotional competencies flourish.

For more information, you can go to CASEL’s website <https://casel.org/> and to their coalition site on protecting SEL in schools here: <https://casel.org/new-national-coalition-to-fight-misinformation-protect-social-and-emotional-learning-in-schools/> NAFME has also created a brochure on music and SEL <https://nafme.org/wp-content/uploads/2021/03/NAfME-SEL-Brochure-for-music-educators-March-2021.pdf>

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## Continuing to be Culturally Responsive in PK–12 Music Education

Constance L. McKoy

While so-called Divisive Concepts Laws are variously defined across state legislatures in the US, they generally prohibit any form of race or sex stereotyping or scapegoating. In addition, some legislation also prohibits characterizing the United States as fundamentally racist or sexist or prohibits teaching that ideas such as meritocracy are inherently racist or sexist or were created by a particular race to oppress another race (*Law Insider*, 2022).

The rationale frequently given for proposing (and in several states, passing into law) these types of legislation is to address concerns that components of Critical Race Theory are being taught in K-12 public schools, a premise which is wholly unsubstantiated. Critical Race Theory originated from critical legal studies and was developed by legal scholars including Derrick Bell, Allen Freeman, Kimberlé Crenshaw, and Richard Delgado (Ansell, 2008). The purpose of the theory was to provide a framework that could be used to examine and challenge the implicit and explicit impact of race and racism on legal structures, institutions, and practices. The framework has since been used to examine other societal systems and structures. The word *critical* in the title refers to critical thinking and critical scholarship rather than criticism or blaming people.

As a theoretical framework, CRT is typically encountered in graduate education, and has never been taught as a part of PreK–12 education, nor is it specifically associated with concepts of Diversity, Equity, Inclusion, and Access (DEIA), which focus on cultural competence, fair treatment, and participation of all people. Despite these distinctions, Divisive Concepts legislation has had a chilling effect on teachers' comfort with discussing any aspects of social identity or culture across academic disciplines, including music. In the case of an approach to instruction such as culturally responsive teaching, public suspicions can be aroused simply because culturally responsive teaching shares the same acronym (CRT) as Critical Race Theory, even though they are not synonymous.

Culturally responsive teaching is one among several asset pedagogies designed to counter the assumption that poor academic achievement among many students of color and students from families of low socioeconomic status was due to their being culturally disadvantaged or deprived. Instead, asset pedagogies value knowledge that is culturally informed and promote the notion that stronger links between students' home culture and school curricula would result in improved academic achievement.

According to Geneva Gay, culturally responsive teachers use “the cultural knowledge, prior experiences, frames of reference and performance styles of ethnically diverse students to make learning encounters more relevant to and effective for them” (2018, p. 36). In addition, culturally responsive teaching seeks to “affirm diverse cultural characteristics, perspectives, and experiences and to use these multiple perceptions of reality and ways of knowing to form bridges to new learning and ideas” (2022, pp. 19–20). Based on these definitions, far from being divisive, a culturally responsive approach to instruction strives to make instructional content and the learning experience itself more inclusive. Despite this fact, music educators who are interested in or have been teaching music from a culturally responsive lens are concerned about the impact that Divisive Concepts legislation may have on their instructional practices.

Interestingly, some music educators have suggested that Divisive Concept laws have no bearing on their teaching because “a B-flat is a B-flat.” The implication is that there are music and non-music topics, and that music education should only involve learning skills and concepts associated with the musical behaviors of creating, responding to, and performing music.

However, providing music instruction that includes information about the social, cultural, and even personal contexts of music is not new. For example, consider how the context of Beethoven's

hearing loss informs our perspectives on the pieces he wrote after that event, such as the “Moonlight Sonata,” his only opera *Fidelio*, and six of his symphonies. Many of us may remember first learning of Beethoven’s hearing loss from our school music teachers as children. It is certainly not uncommon for teachers and learners to provide “background information” about the people who create(d) the music they perform and listen to, as well as the times and social contexts in which those people live(d). Because music is a form of human expression, and because that human expression is shaped by the context of experiences we encounter, decontextualizing our music instruction strips music of the very characteristic that makes it significant and worthy of study and performance.

Here are some resources that are free for NAFME members to access that can help you explain and/or operationalize culturally responsive music education:

- Abril, C. R. (2013). Toward a more culturally responsive general music classroom. *General Music Today*, 27(1), 6–11.
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Contrary to the definitions of “divisive concepts” included in such legislation, culturally responsive teaching focuses on helping all children to be successful in schools. Although I am not a lawyer, as I review the wording of such legislation, I find nothing in it that would preclude teaching music from a culturally responsive lens. I also understand, however, that in states where such laws exist, school and district administrators, and parents may differ in how they interpret those laws. Now, more than ever, it is important that music educators be able to clearly articulate the goals and purposes of culturally responsive teaching to all stakeholders and emphasize the benefits such instruction holds for ALL students.

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<https://www.lawinsider.com/dictionary/divisive-concepts>

## Music Teacher Resources for Affirming LGBTQ+ Students

William R. Sauerland and Nicholas R. McBride

According to the Trevor Project's 2022 *National Survey on LGBTQ+ Youth Mental Health*, LGBTQ+ students experience higher levels of mental health issues and increased risk of suicide than their straight and cisgender classmates (The Trevor Project, 2022). With recent state legislation banning trans youth from participating in sporting events in alignment with their gender identity, and now seven states prohibiting the discussion of LGBTQ+ topics in schools, such as Florida's Parental Rights in Education ("Don't Say Gay") legislation, the need for teachers to know how to build safe and affirming learning environments seems ever more vital. Other states, such as California, Colorado, Illinois, and New Jersey, have established laws that require public schools to teach LGBTQ+ history. These political divisions in the United States can make it difficult for teachers to navigate inclusive and affirming practices in the classroom.

Students who participate in musical ensembles experience higher levels of bullying than their non-musical peers (Elpus & Carter, 2016). Music classrooms can promulgate cis- and hetero-normativity through language, traditions, and repertoire. Whether an educator is in a state where LGBTQ+ topics are banned, or conversely where teaching LGBTQ+ history is required, every teacher should feel empowered to make their classrooms safer, affirming, and inclusive for all by modifying policies and practices.

### Policies

Though each educational institution is underpinned by schoolwide or campuswide policies, a teacher is responsible for instilling policies specific to their classroom community. While some teachers might be allowed to hang a rainbow flag or a GLSEN Safe Space Sticker in their classroom or have written policies to affirm LGBTQ+ students, teachers in states with Divisive Concept Laws that forbid teaching LGBTQ+ topics cannot be as forward with their communication. Despite these conditions, teachers can establish value systems for inclusivity and acceptance that may differ from those espoused at home. Validated through the Title IX federal law, all teachers can enact a policy on discrimination and harassment. A classroom or ensemble non-discrimination, anti-harassment, or anti-bullying policy tells students they deserve a safe environment and that all students have a responsibility for crafting safety for each other.

In 2016, the federal Departments of Justice and Education provided policy clarification specific to Title IX as guidance to public schools and universities in addressing gender identity and expression. These policies were meant to: (1) prevent discrimination; (2) allow trans students access to restrooms and overnight accommodations in alignment with their gender identity; (3) allow students to use their chosen name and pronouns in school; and (4) have their gender status, birth name, and sex assigned at birth remain confidential (as cited in Palkki and Sauerland, 2019, p. 74). Although these recommendations are no longer upheld by the federal government, teachers and administrators may use these tenets to support trans students. Schools might also engage professional development, such as the Human Rights Campaign Foundation's Welcoming Schools training, for faculty and staff to foster a school culture that is dedicated to accepting and affirming school culture. While beyond the scope of this report, teachers might look into student-centered and trauma-informed pedagogies to create a teaching and learning environment where all students feel safe, included, and affirmed.

### Key Action Items:

- Establish a policy on discrimination and harassment accompanied by restorative practice such as education and reinforcement of classroom norms such as safety for each student and each student feeling valued for who they are.

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- Create and enforce an anti-bullying policy statement.
- Allow students access to restrooms and overnight accommodations that align with their gender status.
- Use a student’s name and pronouns in school. If this is not allowed in the state where you teach, consider using the gender-neutral “they/them” for all students and referring to a student as “kiddo” or “friend” to avoid deadnaming.
- Main confidentiality of a student’s gender status, birth name, and sex assigned at birth.
- Create a culture of affirmation and inclusivity through policy and practices.

## Practices

It has been a tradition that teachers divide classrooms by “boys and girls/ladies or gentlemen.” While this language might seem respectful, for trans or nonbinary individuals, using gendered language can be exclusive. Teachers can be thoughtful to address groups of students with non-gendered language, using “everyone,” “musicians,” or “y’all.” In some cultures, it is considered reverential to use “sir” or “madam,” and yet, this language is limited. The catchall “guys” excludes all individuals who do not identify as male. Teachers are encouraged to use “they/them/their” pronouns when addressing a person whose pronouns are unknown. Multiple literary and journalistic organizations recognize “they/them/their” as a singular pronoun (American Psychological Association, 2021). In a choral classroom, a conductor should avoid calling a group of singers by gendered language. Though traditional voice parts are not wholly removed from gendered precepts (McBride, 2016), it is more inclusive to address a choir by voice parts (e.g., Soprano, Alto, Tenor, Bass).

Music teachers should also consider the implication of gender in instrument assignment. Flutes and clarinets have customarily been assigned to females, while trumpets and percussion go to male students (Abeles, 2009). Teachers should be mindful to share images of musicians outside this notion, while also creating a student-centered practice for instrumental selection. Ensemble directors should also consider gender-neutral concert attire to enable students to have choice in how they present on stage. Ensemble names, such as the “Women’s Chorale” or “Men’s Glee” should be changed to make space for nonbinary singers and recognize how not all women or men sing in a vocal range traditionally aligned with those ensembles (Sauerland, 2022). Teachers should also be mindful in listing student names in a concert program; some students might want to use their chosen name, while others, due to family issues, might want to use their birth name. Decisions such as these should always be made in private consultation with individual students and never with the assumption that a student is “out” or has disclosed their gender or sexual identity to anyone else. This should also be considered before talking to parents/guardians.

A music teacher should consider how LGBTQ+ musicians are represented in the classroom. Classrooms filled with colorful posters and images of singers, instrumentalists, and composers should show a range of diversity, including LGBTQ+ persons. Diverse representation is also needed in repertoire. There are many LGBTQ+ composers and lyricists who deserve greater recognition in classrooms and concert halls. While a teacher should avoid tokenism,<sup>27</sup> repertoire of historically-marginalized composers can be found through the websites of the Institute for Composer Diversity, LGBTQ Band Composer Project, and GALA Choruses. Pieces such as “It Gets Better” by Andrew Lippa,

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<sup>27</sup> Tokenism in music is a symbolic practice of including an underrepresented composer, genre, idea, or perspective without giving it similar consideration as other music and ideologies, and thus providing only an appearance of diversity or inclusivity. In the choral setting, adding one spiritual to a concert of otherwise White European music could be an example of tokenism in repertoire selection. For a more in-depth discussion, see: Hess, J. (2015). Decolonizing music education: Moving beyond tokenism. *International Journal of Music Education*, 33(3), 336–47.

“Testimony” by Stephen Schwartz, and “Mother of a Revolution” by Omar Thomas can foster inclusion and belonging in the classroom for LGBTQ+ students. In schools where teachers are forbidden to teach LGBTQ+ topics, repertoire that speaks about equality and inclusion sends a positive message to all students without overtly bringing awareness and advocacy for the LGBTQ+ community. Even within spaces of curricular censorship, the safety and well-being of all students, including LGBTQ+ and gender expansive students, can remain a top priority for music educators.

#### **Key Action Items:**

- Avoid using gendered language in teaching and ensemble names.
- Refrain from gendering instrument assignments.
- Allow musicians to wear gender-neutral concert attire.
- Heighten LGBTQ+ representation in curricula and repertoire.

#### **Citations**

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## **Diverse Repertoire as a Necessary Part of General Music Education**

Ashley A. Cuthbertson

All instruction serves to advance our students' understandings of themselves and the world around them. As music educators, the repertoire choices we make in our general music classrooms are a critical component of how we help advance our students' understandings of themselves and the world around them. In our current times and political climate, it is more important than ever for general music educators to not only intentionally select diverse repertoire, but to be well-informed to be able to articulate the intention behind those choices with students and families.

### **Windows, Mirrors, and Sliding Glass Doors:**

#### **Why We Need Diverse Repertoire in our Classrooms**

In a 1990 article "Windows, Mirrors, and Sliding Glass Doors," Dr. Rudine Sims-Bishop's presents a useful metaphor for the importance of diverse children's books when she says that "books are sometimes windows, offering views of worlds that may be real or imagined, familiar or strange ... a window can also be a mirror ... we can see our own lives and experiences as part of the larger human experience." While Dr. Sims-Bishop was referring to books, as music educators, we know that there are many parallels between books and repertoire.

Diversity matters in our repertoire choices because we live in a global society and our world is becoming increasingly more diverse. Every child deserves the ability to see "mirrors" of themselves in our music repertoire choices because identity and representation matter. Seeing reflections of your own identity serve to affirm your lived experiences as valid, as well as give examples for what more could be possible beyond your immediate experiences.

In our general music classrooms, we must do more than simply tell students they belong, we must demonstrate it. Our repertoire choices can serve as a powerful means to demonstrate to all of our students, but especially our marginalized and minoritized students, that they belong by selecting repertoire that affirms their identities and experiences. We must take care to avoid and remove any and all repertoire that presents marginalized and minoritized identities in negative and/or stereotypical ways. Whether we state it explicitly or not, the use of harmful, negative, and/or stereotypical repertoire in regard to our marginalized and minoritized students communicates to them that they are of less value. General music educators must be aware and intentional about the reflections presented through their repertoire choices to ensure they provide for positive, joyful, and affirming musical experiences for all music students.

Additionally, it is important we provide our music students with "windows" through our repertoire choices. Students need to learn about those who are different from them so they can understand the beauty in the diversity of our global society, as well as understand their place as just one member of our global community. Developing understandings about others who are different (not better or worse, just different) is a key factor to creating a just society. In our general music rooms, we can help students develop these understandings by using repertoire to provide mirrors into other cultures, histories, abilities, familial structures, and ways of being not just as a means for developing musicianship skills, but also as a means to help students advance their understandings of the world around them which is a critical piece of all educational endeavors.

For students for whom there are numerous "mirrors" and reflections of their own identity, providing windows becomes especially important. When one only sees themselves reflected, they develop an inflated sense of their identity as being superior. Cultivating a diverse musical classroom through the use of diverse repertoire helps to counteract this by providing students with a fuller understanding of our society and the world.

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### **Addressing Teachers' Concerns About Divisive Concepts Laws**

More and more general music educators are embracing the importance of using diverse repertoire in their music classrooms, however increasingly we are seeing laws being considered and passed that aim to restrict the materials teachers use. These laws are rooted in hate and seek to keep marginalized and minoritized folks from being seen as equal members of our society.

As you can see from the stories in this document, many general music educators in areas where these types of divisive topic laws are being passed report being worried about how to proceed with using diverse repertoire in their music classrooms without coming under fire.

These types of laws do not, and should not, keep general music educators from using diverse repertoire and from removing harmful folk literature from their classrooms. Many of these laws cite things such as “critical race theory” (which is not being taught in K–12 classrooms), “sexist concepts” or “divisive concepts.” While these laws may lead one to believe any repertoire choices that center minoritized identities (whether in regard to race, gender, or ability) must now be removed, the reality is these laws call on us educators to be well-informed so that when we are presenting any music, we are doing so factually and with context.

Presenting all repertoire in context is a necessary part of teaching music in our general music classrooms regardless of the culture and people it represents. Music educators must take care to utilize authentic and reliable resources, as well as ensure they themselves do the work of learning the “who, what, when, where, and why” about the repertoire:

- Who composed it (or if it is a folk song, what culture is it from), and who are they?
- What is it about? What are the bigger themes?
- When was it composed/created and what was occurring during that time period?
- Where does it come from?
- Why was it created?

Taking care to fully understand the whole picture of a piece of repertoire matters because it ensures that music educators are not utilizing harmful repertoire (because this would come up in the research) and it also better positions music educators to present the repertoire in a factual, unbiased manner.

### **Communicating Repertoire Choices to Students and Families**

Partnering with students and families is an important part of teaching and learning, and as such being able to communicate the intentions behind repertoire choices is vitally important. When teaching any piece of repertoire, we must share the context including who created it, what it is about, its purpose, and why it has been selected for learning. This does not require music educators to be experts on any specific piece or genre, but it does require music educators be well-informed so they can effectively communicate their choices.

When communicating with students specifically, consider what language to use to communicate in a way that is truthful and age-appropriate. One particularly useful resource for what language to use for young children is the work of Akiea “Ki” Gross and their pedagogy, *Woke Kindergarten*. Additionally, as students engage with a piece of music over time, consider how contextual information can be shared in bite-sized chunks over time, rather than all at once.

When communicating with families, music educators must first seek to understand their school community so that they can be better positioned to speak on what possible concerns may arise. Be proactive in sharing with families the overall mission of the school’s music program and make it clear that selecting diverse music that represents a wide range of cultures, identities, and histories is an

important part of the educational goals. Use plain language to communicate repertoire context as well as the music standards addressed and educational purposes of the repertoire. The National Association for Music Education (NAfME) has amassed numerous resources to support diversity, equity, inclusion, and access in music education including articles, books, on-demand webinars to support music educators' understandings around equity as well as advocacy. Additionally, NAfME has shared clear position statements for [Equity and Access](#) as well as [Inclusivity and Diversity](#) in music education that can be used to support advocacy.

## Conclusion

Music is for everyone. As general music educators, we must be intentional in our repertoire choices to ensure that we are providing “mirrors, windows, and sliding glass doors” for all students and positioning our repertoire choices to help our students not only gain valuable musicianship skills, but to also gain valuable skills as compassionate and well-informed members of our society.

These “divisive concepts” laws are meant to keep teachers from teaching the whole truth, specifically in regard to gender and race. However, by doing your due diligence as an educator to be well-informed about the full picture of the repertoire you use, and being intentional about presenting music in context, music educators can be better prepared to communicate their repertoire choices to students and families in a way that honors all people.

## Resources

Woke Kindergarten—[www.WokeKindergarten.org](http://www.WokeKindergarten.org)

Decolonizing the Music Room—[www.DecolonizingTheMusicRoom.com](http://www.DecolonizingTheMusicRoom.com)

Dr. Rudine Sims-Bishop—“Windows, Mirrors, and Sliding Glass Doors”

- Video interview (with link to the essay), —  
<https://www.readingrockets.org/teaching/experts/rudine-sims-bishop>

National Association for Music Education (NAfME)

- Diversity, Equity, Inclusion, and Access in Music Education Resources—<https://nafme.org/my-classroom/diversity-equity-inclusion-access-music-education/>
- NAfME Equity and Access in Music Education Position Statement—  
<https://nafme.org/about/position-statements/equity-access/>
- NAfME Inclusivity and Diversity in Music Education Position Statement —  
<https://nafme.org/about/position-statements/inclusivity-diversity/>

Diverse Repertoire

- Smithsonian Folkways—<https://folkways.si.edu/>
- Association for Cultural Equity - <http://www.culturalequity.org/>
- Carnegie Hall Musical Explorers—<https://www.carnegiehall.org/Education/Programs/Musical-Explorers/Digital>
- Musician of the Month—<https://musicianoftheproject.com/musicians/>

## Maintaining and Expanding Repertoire Diversity in Secondary Instrumental Music

Rob Deemer

Secondary instrumental music educators in 2022 find themselves at a time where a number of important cultural and societal movements are converging. Two of these are the increased desire to diversify repertoire and music curricula within the classroom and on the concert stage and the increased fear of political and legal retribution by state governments that are using indistinct laws to coerce teachers into avoiding any changes to their teaching practices in regard to subjects surrounding race, gender, and sexuality. This essay intends to explore how programming and curricula can be changed in the face of those fears.

In 2021 and 2022, at least 15 states including Tennessee, Florida, New Hampshire, Georgia, Arizona, South Dakota, and Texas enacted “divisive concepts” laws that prohibit a large number of principles pertaining to race and sex from being taught in public schools and state-funded institutions of higher education. Some of these [principles](#) are direct in regard to what cannot be incorporated into teaching and curricula, such as “*One race or sex is inherently superior to another race or sex.*” Many others, however, are much more subjectively vague in regard to what could or could not be taught such as “*An individual should [not] feel discomfort, guilt, anguish, or other form of psychological distress solely because of the individual’s race or sex,*” or “*Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people.*”

These laws have emerged at the same time as many in American society have looked to address long-standing inequities within many facets of our culture including musical repertoire at the professional and educational levels. For example, a 2022 [study](#) by the Institute for Composer Diversity found that the amount of programmed works by women composers and composers of color by professional orchestras in the United States increased from 4.5% in the 2015–16 season to 22.5% in the 2021–22 season. Similarly, attention to music by historically excluded composers has increased in public schools and colleges and universities throughout the country over the past 5–6 years.

One reason that this attention to musical works by composers outside of the traditional canon (most of which was composed by white men) has risen in the music education community is reflected in student demographics around the country. According to the [National Center for Education Statistics](#), the percentage of public school students who were white decreased from 54% to 46% in the United States between 2009 and 2020. In addition, [U.S. Census data](#) between 1971–2020 shows that female students have represented 48-49% of the total U.S. K-12 student body for the last fifty years. These demographics should not be surprising to anyone as they’ve been consistent in regard to gender and consistently rising in regard to race and ethnicity, but the relationship between student demographics and the curriculum has shifted so that the demographic identity of the creator of a musical work is now an [important factor](#) in repertoire selection than in years past.

### Addressing Teachers’ Concerns.

The question facing educators in the states affected by the “divisive concepts” laws is this: How is it possible to diversify the representation of composers from historically excluded groups within one’s own concert programming and curriculum without running afoul of these inherently vague and precarious rulings? While it should be said that in today’s political climate there is no failsafe against spurious accusations or litigation being brought upon educators, there are areas within these laws that should provide solid ground for curricular transformation.

[This set of guidelines](#) provided by Middle Tennessee State University is a good example of finding the edges around the limitations of their state’s “divisive concepts” law; they point out that “As such, the

Act preserves academic freedom and other First Amendment rights. It does not prohibit the teaching of a subject matter, nor does it mandate the teaching of any subject matter. In other words, it does not impact the content or conduct of any course of academic instruction.” Both the selection of works by composers from underrepresented groups and the subsequent discussion of the historical and musical background of those composers would fall under the auspices of academic freedom.

### **Communicating with Administrators, Students, and Families.**

When secondary instrumental music educators begin to change their programming and repertoire, it is important to be able to explain why those changes are being made to administrators, students, and families. Administrators may be shown the changes in the professional orchestra world previously mentioned above to demonstrate that such programming choices are in line with the broader musical community.

In order to avoid the perception that special attention is being given to any one group, discussions of the demographic background of each and every composer should be encouraged; such discussions would help students avoid thinking of composers [only by their last names](#) and to understand that all composers are and were both very talented creators and people like the students themselves. These discussions would also normalize the idea of composing in and potentially allow for the inclusion of the students composing music themselves; if students discover that there have been and are composers who are like them in regard to background, gender identity, and racial and ethnic heritage, they can more easily imagine themselves composing music as well.

Finally, demographic data of the students within a classroom or within a school district would be a useful rationale for inclusion and diversification of repertoire and curricula both to reflect the backgrounds of the students themselves as well as to ensure that no one demographic is overly represented (in order to avoid, as the laws state, “discomfort” and “resentment”). That information could then be used when communicating with families and the community.

### **Resources.**

There have been a growing number of resources made available to allow educators to discover works by composers from underrepresented groups. These include [A Seat at the Piano](#), [Decolonizing the Music Classroom](#), [Music Theory Examples by Women Composers](#), [Music by Black Composers](#), [Beyond Elijah Rock: The Non-Idiomatic Choral Music of Black Composers](#), and the [Institute for Composer Diversity](#). It is the right and responsibility of the music teacher to select their repertoire so that their students may experience both musical and personal growth; it is hoped that music organizations at the state and national levels can create initiatives to assist educators in their endeavors to expand and diversify representation on the music stand and in the classroom into the future.

## Diverse Repertoire in Secondary Choral Settings

Stefanie Weigand

Before every semester, choral educators across the country consider many elements when choosing repertoire for their ensembles. How many students will I have? What is the range of abilities in the room and how do I properly scaffold my repertoire across the year to engage all students? Are there particular musical skills we should highlight as important learning elements in our repertoire? As we take a step back from those granular details, we must also consider the following: Am I providing windows and mirrors for my students through a diverse range of composers? Windows that allow my students a view into another's culture and experience; Mirrors that allow my students to see themselves represented in our musical world.

And we cannot stop there. We owe our students more than a name on a program. Let's provide learning opportunities within rehearsal as well. Let's explore these creators together by looking at their faces and learning about their lives. Let's present diversity in a positive manner by highlighting the lush musical history of all peoples as we look ahead to a future full of possibilities for every creative mind in our classrooms. For every "that person looks like me," "I feel like that, too, sometimes," and "maybe I can be a composer just like them," we have won an important victory in the world of education.

We have opened a door.

Too many students feel unsupported, alone, and/or ashamed, at best, when it comes to their identity within the education system. At worst, they are outwardly discriminated against, bullied, punished, and made to feel "less than." There is a lot of work to be done, and perhaps the first and most simple step we can take as music educators is to make our classrooms a haven where students can be themselves. Where their uniqueness can be celebrated, not simply tolerated; and where each student can fully and completely feel like a member of their school community.

We know that because of a lack of curriculum resources, whether purposely suppressed or not, the majority of students are not experiencing this sense of belonging at school. For example, the 2021 National School Climate Survey found that 71.6% of students had not been "exposed to representations of LGBTQ+ people, history, or events in lessons at school ... [and] Of the 28.4% of students who indicated that LGBTQ+ topics had been discussed in one or more of their classes, 49.5% said that they were covered in a positive manner only, 43.0% said that they were covered in a negative manner only, and 7.6% said that they were covered both in a positive and negative manner. Overall, considering all students in our sample, only 16.2% of students received any instruction that included positive representations of LGBTQ+ people, issues, and topics."

Music is listed fifth in line as the subject with the most positive representations of LGBTQ+ curriculum, behind art, health, English, and History/Social Studies. (Kosciw et al., 2021) One may suspect that similar numbers would be discovered for students surveyed about other underrepresented groups as well. Through a proper diversification of composers represented in our repertoire, we can work to improve on these circumstances. Music educators have the ability to send a clear message that these topics and, more importantly, the students themselves, are valid, important, and appropriate for school.

But what if your school/district/state has enacted legislation that denies you the ability to teach one or more of these topics? Under these most dire circumstances, we must continue to take whatever

steps we can to help support our students; perhaps more urgently than ever before. Let’s consider what we can do instead of what we are being prevented from doing. As music educators, we can:

- Choose music written by composers from a diverse range of gender expression, racial and ethnic backgrounds, and life experiences.
- Present the names and headshots of these composers while sharing as much about their lives as possible.
- Program music by living composers so that, in addition to the above, our students can follow new works as they are released, even if those pieces have historic, emotional, or topical content deemed “inappropriate” for your classroom.
- Foster a sense of curiosity in our students so that their first instinct is to explore the text of a new song and/or learn more about that composer.

### **Where Do We Go from Here?**

When looking for resources on composer diversity and ideas on how to address social justice issues within the classroom, we often turn to the simplest sources. This makes sense given the multitude of responsibilities a teacher may have on any given day. That source may be a “Publisher’s Choice” list from your favorite sheet music provider, a social media group page, or an interest session packet from the last conference you attended. While these are all valid sources, here are a few others that will assist you in your search.

- First, the [Institute of Composer Diversity](#) provides a choral database representing composers from historically excluded groups in an easy-to-use online format. Choose from search criteria like genre, accompaniment, living/deceased composers, gender expression, racial demographic, and more. Search results can link to composer profiles as well as audio or video examples of the score.
- [The Choral Commons](#) is a media platform that produces podcasts, events, and creative projects that aim to empower choral singers/organizations to work toward peace and justice within their communities.
- The nonprofit organization [Decolonizing the Music Room](#) uses research, training, and discourse to encourage teachers to develop the practices that will build a more equitable future through our work in the music classroom.
- Other recommended sources to explore are: [Marques L.A. Garrett’s “Beyond Elijah Rock”](#); [Dr. Derrick Fox’s Diversity, Equity, Inclusion, Access, & Belonging resources](#); [LGBTQ+ Music Study Group](#); [Music by Black Composers](#), [Music of Asian America Research Center](#); [Justice Choir](#); and [She Is The Music](#).

This work is not simple, nor is it easy. But it is important. By taking these steps, we can help to ensure all students in the choral classroom feel heard, feel important, and feel like they belong. Because all students DO belong in the choral classroom.

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## **Divisive Concept Laws and Music Educator Recruitment and Retention**

Deborah A. Confredo

We are at a juncture in American education. A perfect storm has gathered, causing us to ponder the future of education, including music. Educators and those who prepare them have faced the challenges of a pandemic, an acrimonious political climate, a grim economy, growing professional responsibilities, unjust indictments of incompetence, and waning public support often driven by extremist political rhetoric. Teachers are overworked, stressed in their attempts to be their best professional selves in environments where their needs often go overlooked and their altruism attacked. Pay, while varying from state to state, and district to district, remains far from enticing, while mentoring and leadership programs for current and future teachers, particularly those of color, are scarce. A loss of autonomy has been coupled with burgeoning demands both in and outside of the classroom. New and novice teachers experience insecurity triggered by multi-year probationary contracts which further contributes to a sense of subjugation rather than professional autonomy (Hall & Gilles, 2022). Many older, more experienced teachers indicate that they are considering leaving the profession sooner than they had originally planned (National Education Association, 2022, February 1). Alarming, a “...disproportionate percentage of Black (62%) and Hispanic/Latino (59%) educators, already underrepresented in the teaching profession, [are] looking toward the exits ...” (National Education Association, 2022, February 1). Under duress, teachers are increasingly falling victim to exhaustion spurred by burnout (Madigan & Kim, 2021; National Education Association, 2022, January 31) and the feeling of lack of support (Economic Policy Institute, 2019), as the number of teachers indicating their desire to leave the field continues to rise.

Teacher shortages have been reported in almost every state (Yarrell, 2022). The increase in teacher attrition situated beside challenges to successful recruitment and retention should be cause for immediate attention and action in all areas of education, and music is not immune. Students across the country, particularly those from lower income and racially segregated communities as well as those who identify as LGBTQ+ (Yarrell, 2022), are affected by this circumstance. An added source of difficulty is found in Divisive Concept Laws (DCL) that, at the time of this writing, impact teachers in more than 20 states. As of June 2022, some 16 laws restricting the LGBTQ+ community had been passed in several states while a disproportionately small number of laws that expanded protections for the community were passed in only three states (USA Facts, 2022, June 23).

Mitchell (2022) reported that “... board meetings have become contested spaces with activist parents often armed with scripts provided by national partisan organizations, challenging curriculum and professional development related to “divisive” topics, such as race, equity, and gender identity. They come seeking to overturn policies and practices designed to protect the most marginalized of students.” The consequences of this volatile climate defy the wisdom of the National Commission on Teaching & American’s Future (1996) that “school reform cannot succeed unless it focuses on creating the conditions in which teachers can teach, and teach well” (p. 10). Although greater compensation is always at issue, a supportive working environment, including administrative backing and professional development, is a greater consideration for recruitment and retention of qualified educators (Will, 2022). Current Education Secretary Miguel Cardona, acknowledging teachers’ concerns, has pledged his support for more competitive salaries and better working conditions (Allassan, 2022). While we applaud this federal declaration, the chilling effect of DCL injected into an already-teetering profession must also be addressed.

Divisive Concept Laws silence, dismantle learning that is based in critical thinking, and obstruct the path to the profession. In Florida, for example, there is a political push “... to give people the right to sue schools and teachers over what they teach based on student “discomfort.” The proposed legislation

is far-reaching and could affect even corporate human resources diversity training” (Craig & Rozsa, 2022). Florida’s Parental Rights in Education Act” functions to exclude, isolate, and stigmatize students and teachers whose sexual identity does not conform to a supposed straight norm. The bill allows parents to freely sue teachers and their school districts “... if a staff member talks about sexual orientation or gender identity ...” (Villarreal, 2022). While some may argue that ambiguity contained in the law can mitigate its effects, many LGBTQ teachers have been driven back into the closet or have left the profession for fear that the exposing of a same-sex spouse or partner can leave them vulnerable to lawsuits. Teacher educators are feverishly working with pre-service teachers to help them to best meet students’ needs given the suffocating parameters of the DCL (Lu, 2022). At stake for music educators are: the whitewashing of curricula, the silencing of the voices who would stand for equity, the suppression of empathic acts which make music classrooms safe spaces for all children, and teachers’ very livelihoods. In a profession that is already experiencing maximal stress, the implementation of DCL will likely increase anxiety among teachers and further contribute to teacher attrition (Holmes, 2022).

The Music Teacher Profession Initiative (MTPI), a task force of the National Association for Music Education (NAfME), is engaged in work that seeks to address issues of the music teaching profession, particularly as related to barriers experienced by: (1) secondary school students when making a decision to choose music education as a career; (2) preservice music educators during the undergraduate years as they prepare for the profession, and; (3) novice music educators in the first five critical years of professional life. As part of the mission, the MTPI is looking to determine how we can better meet the needs of music learners. Central to this mission is the identification, recruitment, preparation, and retention of quality music educators who can ably serve as model leaders for a diverse American student population. Our current music teacher ranks fall short of representing the balance of the country’s populace; we are largely an assembly of white women (Elpus, 2016). Critical to the work in this area is knowledge of and response to DCL so that the profession can deftly navigate these unstable waters while retaining a proficient work force.

How can we expect to attract and retain talented and skillful young BIPOC and LGBTQ+ music educators amid the imposition of divisive concept laws that function to suppress the advancement of the marginalized? If we envision a cadre of music educators who represent and understand the needs of all students, we must work to remove the barriers to that end. This entails identifying those obstacles and transmuting the path to the music teaching profession. It requires a firm grasp of laws that seek to squelch an honest view of history and social context through a musical lens. The task force, who has and continues to gather information gleaned from a plethora of discussions with music teacher educators across the country, will move forward with recommendations towards more aggressive recruiting, reformation of music teacher preparation curricula, and tangible methods for mentoring, caring, and support during the determinative first five years of professional life. In doing so, we intend to lay bare the complacency of a “business-as-usual” approach that has been relatively untouched in the university admissions process.

In recruitment, we will outline ways for all students who seek to enter the music teaching profession based on lived experiences that inform their musical achievement. Elitism in the music teacher candidate selection process must be replaced with more just and equitable ways of discerning the probability of professional success; the task force will offer recommendations in this area. DCL may stymie music educators’ attempts at providing authentic musical engagement that expose and celebrate students’ lived and ancestral experiences. Censoring music teachers’ abilities to use music as a vehicle for greater social awareness and human empathy will serve to widen the equity gap in the profession. As we all work towards the betterment of music education through continued improvement of the work force, we must be keenly aware of how divisive concept laws can furtively take away the new seats at the table and even make the table smaller.



Our work is fortified by your voices. Please weigh in on these topics. Let us know your thoughts and they will be shared with the committee. Perhaps you have ideas on how to bolster recruitment for a new age of music educators. We want to know what you are thinking. Maybe you have some ideas on music teacher education curriculum. Send them along. Perhaps you have opinions on divisive concepts laws – pro or con. Your ideas will help us to learn. We look forward to continuing the conversation.

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## Decision Guidance

Joseph Abramo

# Preparing Instruction



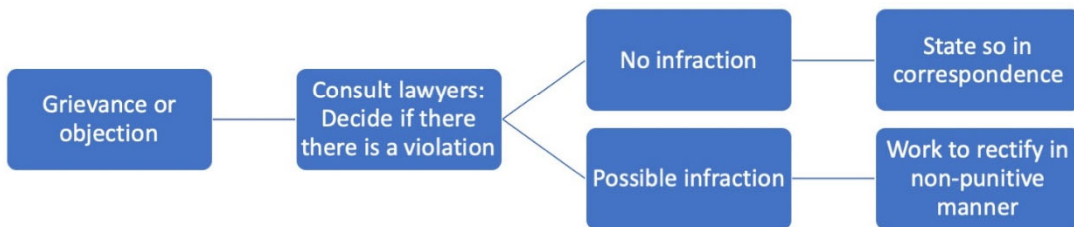
### Preparing Instruction

The intent of this decision process is to help educators to prepare a justification of their curricular decisions. Educators might elect to use a recursive four-step process outlined in the image above and explained below.

- 1. Know about the laws.** In other words, as Ryan D. Shaw and Cara Faith Bernard, as well as Ashley A. Cuthbertson suggest, these laws need not be interpreted in the strictest way possible. In understanding these laws teachers might consult with administrators. Administrators might consult with district lawyers.
- 2. Inform yourself** and your school about the so-called divisive concepts that are the target of the laws and the critiques of them. As the leaders who wrote the resource sections suggest, often concepts like SEL and CRT are not what their critics suggest they are. Music educators should be prepared to understand these concepts and how they benefit students. Administrators might create professional development that helps their teachers understand these pedagogies.
- 3. Decide level of visibility.** How visible do you want your efforts in these so-called divisive areas to be? Do you want to “make a point” and use language that might call attention to these strategies? “Diversity, inclusion, LGBT, etc.” Or do you want to cover the same concepts using language that is more universal? “Different families, etc.” There is not a right answer here—it depends on the community, and how much you want to “push” these ideas.
- 4. Communicate with the community.** Communication, unfortunately, is not simply informing. Some people will simply not agree and will be obstructionists. Instead it is important to take

well-informed principled professional stances on why you choose your pedagogies and repertoire and to defend yourself when necessary. It is also as important to communicate with potential allies. Teachers will want to inform and communicate with administrators. You might decide to hold townhall meetings to inform the public. Alternatively, this might call unnecessary, unproductive attention to your efforts, which can proceed within the boundaries of your classroom policies and pedagogies if you so choose.

## Managing Grievances



### Managing Grievances

The intent of this decision tree is to help teachers and administrators address grievances from parents or other community members who have made claims that teachers have violated the law. It is intended for administrators or for music educators to bring to administrators to assist in dialogue about how to proceed. Rather than assuming a complaint is accurate and legitimate and that music educators must remove the “offending” content, this decision tree helps educators focus on the specific statute and decide based on evidence how to proceed.

## Report Authors



**Karen Salvador** is Associate Professor and Chair of Music Education at Michigan State University. She directs the early childhood music education programs at both MSU Community Music Schools, teaches early childhood and elementary general music methods courses, and facilitates graduate seminars. She has taught elementary general music, choir, and drama in school and community settings. Salvador serves on NAFME's National Executive Board.

Karen researched and wrote the majority of the report, designed the survey, analyzed survey data, and invited contributing authors, and edited their submissions.

### *Contributing Authors (in alphabetical order)*



**Joseph Abramo** is an Associate Professor of Music Education in the Neag School of Education at the University of Connecticut. He currently serves on NAFME's Equity Committee and is coauthor of the book *Music Teacher Evaluation: A Guide for Teachers in the U.S.* published by Oxford University Press.



**Cara Faith Bernard** is Associate Professor of Music Education at the University of Connecticut, Neag School of Education. She serves on the editorial committees of *Music Educators Journal*, *Journal of Music Teacher Education*, *Journal of Popular Music Education*, *Arts Education Policy Review*, and is Associate Editor of *Visions of Research in Music Education*. She is coauthor of *Navigating Teacher Evaluation: A Guide for Music Teachers*, published by Oxford.



**Andrew Bohn** is currently a Ph.D. student at Michigan State University. He holds degrees from Florida State University and the University of Michigan. Prior to graduate studies, Andrew taught middle school instrumental music St. Petersburg, Florida. His research interests include education policy, equity and access, community, and inclusive teaching practices.



**Deborah A. Confredo** is Professor of Music Education at Temple University (Philadelphia, PA), Chair of the NAFME Music Teacher Profession Initiative and President-Elect of the National Association for Music Education. In Louisiana where she resides, she is an active member of the LMEA DEI Council, Professional Development Committee, and the Louisiana Music Adjudicators Association.



**Ashley Cuthbertson** (she/her) is the Founder and Principal Consultant of A. Cuthbertson Consulting, LLC, an educational consulting firm that partners with schools, districts, and organizations to help music educators center equitable and culturally responsive pedagogical practices in their music curriculum and instruction. Learn more at [www.AshleyCuthbertson.com/about-us](http://www.AshleyCuthbertson.com/about-us)



**Rob Deemer** is the head of music composition at the State University of New York at Fredonia where he also serves as the Director of the Institute for Composer Diversity. Deemer also chairs the NAFME Council for Music Composition and the New York State School Music Association's Composition & Songwriting Committee.



**Rollo Dilworth** is Vice Dean and Professor of Choral Music Education at Temple University's Center for the Performing and Cinematic Arts in Philadelphia, Pennsylvania. He is active as a conductor, composer, and clinician. His choral publications can be found in the catalogs of Hal Leonard, Colla Voce, and Santa Barbara.





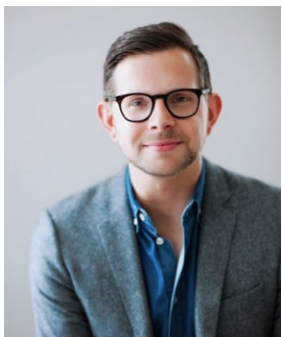
**Suzanne N. Hall** is Associate Professor of Music Education at Temple University. Her previous teaching experiences include elementary general music (K–5) in Florida and Tennessee. Her articles can be found in various journals including *Journal of General Music Education*, *Music Educators Journal*, and the *Journal for Music Teacher Education*.



**Benjamin C. Helton** teaches undergraduate and graduate courses in music education and directs the Spartan Marching Band at Case Western Reserve University in Cleveland, Ohio. His research has been published in the *Journal of Music Teacher Education*, *International Journal of Music Education*, *Contributions to Music Education*, and *Arts Education Policy Review*. Dr. Helton is a staunch supporter of public education whose op-eds have been published in local and national media.



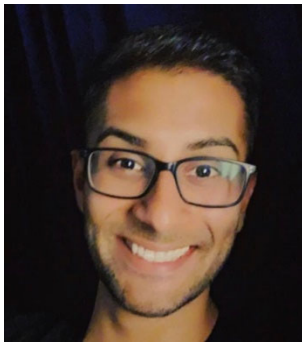
**Anne Martin** is a Ph.D. student in Music Education at Michigan State University. She taught middle school band and choir in the Bay Area of California for six years. Before that, she earned a master's degree from Florida State University and a bachelor's degree from the University of South Carolina.



**Nicholas R. McBride** (he/him) is Associate Professor and Coordinator of Music Education at The College of New Jersey. His research appears in the *Bulletin of the Council for Research in Music Education*, the *Journal of Music Teacher Education*, *Music Education Research*, *Visions of Research in Music Education*, and *Music Educators Journal*.



**Constance L. McKoy** is Marion Stedman Covington Distinguished Professor and Director of Undergraduate Studies in Music at The University of North Carolina at Greensboro. Her research has focused on pre- and in-service music teachers' cultural competence and culturally responsive pedagogy in music. She is a past chair of the Society for Music Teacher Education. Vicki Lind and Connie McKoy's book *Culturally Responsive Teaching in Music Education: From Understanding to Application (2<sup>nd</sup> edition)*, provides in-depth information for teachers who want to take a deeper dive into what culturally responsive teaching is, and read the words of P-12 teachers who share in their own words how they incorporate culturally responsive teaching in their instructional practice.



**Saleel Menon** is a Ph.D. student at Michigan State University, where he teaches early childhood music at the university's Community Music School. He is the artistic director of *Out Loud Chorus*, a community choir for LGBTQ members and allies. His research explores the experiences of first-generation Americans in music education.



**Lorenzo Sánchez-Gatt** is currently a PhD student at Michigan State University. Lorenzo's interests as a scholar activist include anti-oppressive education, centering Black and Latinx experiences, Afrofuturism, and Critical Race theory in music education. Lorenzo's interests were shaped through his experiences navigating being a student, performer, and educator as a queer Afro-Latinx man.



**William R. Sauerland** (he/they) is the Director of Choral Studies at Purdue University Fort Wayne, and author of *Queering Vocal Pedagogy* (Rowman & Littlefield, 2022), multiple book chapters, and journal articles. As a countertenor, Sauerland has sung with Chanticleer, American Bach Soloists, Pacific Chorale, Echoing Air, and numerous choral ensembles.





**Ryan D. Shaw** is assistant professor of music education at Michigan State University's College of Music where he teaches a variety of undergraduate and graduate courses. His scholarly interests include arts education policy and the ways that policy affects music teacher stress, planning, and instructional practices.



**Stefanie Weigand** (she/her) is the Chair of the NAFME Council for Choral Education. She is the Director of Education with Music-COMP, a nonprofit organization that mentors young composers and provides professional development to music educators. She is on the voice faculty at University of Vermont and directs the Polaris Singers at Northern Vermont University, where she also teaches musical theatre performance. Based in Vermont, she enjoys working as a presenter, clinician, and guest conductor across the region.