

Using Codes of Conduct to Ensure Viewpoint Diversity and Restore Trust in Schools

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Key Points

- For education to create citizens capable of self-government, students need to engage with a variety of viewpoints on controversial issues, led by teachers who understand there is greater value in promoting viewpoint diversity than in trumpeting their own beliefs.
- Local and state policymakers can adopt “teacher codes of conduct” to stipulate that teachers are welcomed and encouraged to address age-appropriate controversial topics with students, so long as teachers provide students access to varying points of view when they do so.
- Because the code of conduct empowers teachers to address controversial issues in the classroom, not avoid them, there’s incentive for teachers to support it.

Public education has a trust problem. A founding purpose of public education, still crucial today, is to adequately prepare children for thoughtful self-government, citizenship, and independent adult life. This end is served by having educators teach students not *what* to think about controversial or contested public matters but *how* to think such issues through. When educators fail in this essential duty, or when they allow their personal or political agendas to interfere with the best interest of students, it erodes public trust in the institution of schooling.

Yet today, there is an increasingly common tendency for teachers to use their classrooms as platforms for progressive activism instead of the rigorous intellectual inquiry for which they were intended. Myriad examples of this happening nationwide

have come to light, typically via reports from concerned parents.¹

Given this, it comes as no surprise that anxious parents and other stakeholders would seek and support some assurance that teachers are not treating their captive audience of students as a ripe opportunity for political grandstanding and subverting their institutional role and power for their own ends.

The Limitations of Critical Race Theory Bans

The most prominent policy response to this loss of trust in schools and public education has been an attempt to exercise control over political or controversial content taught in classrooms through

“critical race theory (CRT) bans,” which 27 states have either weighed or passed this year.²

To be clear, parents, policymakers, and other stakeholders are well within their rights to look askance at classroom activities such as grouping students according to race and forcing students to identify themselves as “privileged” or “oppressed” based on their skin color or other immutable characteristics—practices that arguably violate civil rights protections. But what is uncertain and under-discussed is whether CRT bans can effectively curtail these kinds of ill-considered and inflammatory classroom content and practices.

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The traditions, habits, and practices of American teaching make it difficult for such bans to have their intended effect. It is largely lost on parents, policymakers, and others seeking to influence classroom content from a distance that America’s educators exercise an extraordinary amount of discretion over what they teach. According to a recent RAND Corporation study, 99 percent of elementary teachers and 96 percent of secondary school teachers used “materials [they] developed and/or selected [themselves]” in their lessons.³ This is not evidence of teachers subverting state and local authorities; it is simply standard practice.

Teachers are generally encouraged to find, curate, and create materials to interest and engage students and to differentiate instruction to meet the needs of students with disparate skill levels. While those are admirable goals, they contribute to a professional culture that has little consistency and is resistant to external control. When every teacher in America is largely free to teach what they choose, it’s unlikely that state action will make much difference, as teacher pledges to defy CRT bans have already shown.⁴

This does not mean that conservatives should simply cede K–12 education to progressive ideologues or abandon the impulse to protect children from teachers who abuse their authority. After all, while teachers enjoy enormous leeway as a practical matter, courts have consistently granted local school boards nearly unquestioned authority to set curricula. Rather, we propose an alternative way forward, one that accepts—and even *encourages*—schools and teachers to embrace controversial issues in the classroom while preventing them from simply preaching their beliefs to students.

Teacher Codes of Conduct

In order for education to fulfill its purpose of creating citizens capable of thoughtful self-government, students need to experience intellectual rigor by engaging with a variety of viewpoints on controversial issues, led by teachers who understand there is far greater value in using viewpoint diversity than in trumpeting their personal beliefs. Toward this end, policymakers at the state and local levels should adopt and enforce “teacher codes of conduct.”

These codes of conduct would stipulate that teachers are welcomed and encouraged to address age-appropriate controversial topics with students, so long as teachers provide students access to varying points of view when they do so. A school district should work with its constituents to define what qualifies a topic as “controversial,” but a starting place is to define this as any topic of public policy that sparks significant disagreement.

Of course, school and district leaders engaged in these conversations ought to exercise discernment and common sense rather than a “compliance” mentality. This can help avoid nonsensical declarations that opposing views need to be presented on historical matters, such as whether the Holocaust occurred or if there are two sides to how we understand slavery.⁵

After settling on what constitutes “controversial” topics, it would be the local district’s responsibility to disseminate that information to teachers, parents, and students. This ensures that parents and students understand what to expect from their teachers and that teachers understand what is required of them. Superintendents or school

leaders can make reading and agreeing to the code a requisite step for employment as a teacher and include examples and professional development training on what it does and does not mean to present various viewpoints.

Local districts could likewise decide on the best enforcement mechanism to meet their particular locality's needs. For example, districts could implement a three-strike system resulting in dismissal if a teacher is found to have violated the policy. While it would be naive to think codes of conduct—or any policy—could entirely defuse public controversies over sensitive topics, clear communication with all school and district stakeholders, particularly parents, can help set expectations and offer a framework for respectful public discussion and debate.

Carefully crafted codes of conduct can reestablish or enhance teachers' prestige as thoughtful practitioners while restoring stakeholder faith in schools as institutions guided by respect for diverse viewpoints.

But enforcement mechanisms might prove superfluous. Because the code of conduct empowers teachers to address controversial issues in the classroom, not avoid them, there's incentive for teachers to support it—particularly given that the requirement to provide varying viewpoints on controversial issues has long been called for by none other than the nation's largest teachers union, the National Education Association.⁶

The Benefits of Codes of Conduct for Teachers

Indeed, carefully crafted codes of conduct can reestablish or enhance teachers' prestige as thoughtful practitioners while restoring stakeholder faith in schools as institutions guided by respect for diverse viewpoints. A school culture of dispassionate professionalism committed to thoughtful inquiry would blunt charges of indoctrination if

it cultivates the habits of mind for students to decide for themselves what they think.

Whereas a common criticism of CRT bans is that they will have a chilling effect on teacher speech, a code of conduct can expressly empower teachers to address charged subjects—albeit with sensitivity and in consultation with other teachers and administrators—to ensure viewpoint diversity. Too often, teachers work in isolation, creating blind spots where they either don't recognize sensitivities about issues or mistakenly assume their personal views are common and uncontroversial. Codes of conduct would provide a healthy reality check that would encourage teachers to seek input from their colleagues and administrators before teaching a controversial topic to ensure they present multiple views professionally and without unduly indulging their personal views.

Ways States Can Take Action

While codes of conduct would be most clearly and artfully crafted at the local level, there's still room for a state-level policy to promote similar goals. States, which license teachers, can require their own code of conduct for teachers to present multiple viewpoints on controversial issues, as several other states already do. States can also require school boards to enact and enforce their own policies in each of their districts.

Additionally, many schools of education explicitly encourage teacher candidates to demonstrate a commitment to social justice as a graduation requirement, thus creating conditions conducive to a one-sided presentation of views on controversial issues. In response, states can make funding and accreditation for schools of education dependent on whether those schools make it clear to students that social justice imperatives must not supersede sound professional practice, which requires respect for diverse viewpoints and the neutral presentation of these viewpoints in classrooms.

A More Conservative Way Forward for Rigorous Education

Codes of conduct that require teachers to present multiple perspectives on controversial issues should have broad appeal to both sides of the political aisle.

But the idea may hold particular appeal for conservatives, who tend to prize the academic and personal benefits of empowering students to grapple with ideas.

In recent years, conservative thinkers and policymakers have tended to cite curriculum controversies to make the case for school choice. Allowing families the right of exit and the ability to enroll their children at public expense in schools aligned with their values rather than engaging in culture-war battles is one way to honor viewpoint diversity. Yet there should be no conflict between the pursuit of choice-friendly policies and concern for the quality and culture of the traditional public schools that enroll most American children. Conservatives ought to fight for public schools that insist on viewpoint diversity, objectivity, teacher professionalism, and the clash of ideas in the classroom. It's a vote of confidence in the strength of their own beliefs to embrace, not ban, the presentation of opposite views alongside their own.

The same argument can be made to educators who are reluctant to give up their social justice platforms and to the many education schools and professional development courses that have for years explicitly encouraged candidates to conceive of teaching as a form of activism. If a teacher is committed to an anti-racist ideology, there should be no concern about presenting readings or encouraging student debate about the “fact” of structural racism or White supremacy;⁷ facts withstand scrutiny and lose none of their power when subject to debate and counterclaims.

About the Authors

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Reasoned discussion and debate of difficult issues in the classroom in an age-appropriate way are hallmarks of a rich and rigorous education. They honor and serve the founding purposes of schooling to form students into adults capable of self-government. States and communities have the right—and the responsibility—to ensure teachers are delivering on this promise.

Notes

1. For example, Parents Defending Education tracks such instances submitted by parents. See Parents Defending Education, IndoctriNation Map, <https://defendinged.org/map/>.
2. *Education Week*, “Map: Where Critical Race Theory Is Under Attack,” October 15, 2021, <https://www.edweek.org/policy-politics/map-where-critical-race-theory-is-under-attack/2021/06>.
3. V. Darleen Opfer, Julia H. Kaufman, and Lindsey E. Thompson, *Implementation of K–12 State Standards for Mathematics and English Language Arts and Literacy: Findings from the American Teacher Panel*, RAND Corporation, April 2017, https://www.rand.org/content/dam/rand/pubs/research_reports/RR1500/RR1529-1/RAND_RR1529-1.pdf.
4. David Marcus, “Thousands of Teachers Pledge to Break Anti–Critical Race Theory Laws,” *New York Post*, July 2, 2021, <https://nypost.com/2021/07/06/teachers-pledge-to-break-anti-critical-race-theory-laws/>.
5. Mike Hixenbaugh and Antonia Hylton, “Southlake School Leader Tells Teachers to Balance Holocaust Books with ‘Opposing’ Views,” NBC, October 14, 2021, <https://www.nbcnews.com/news/us-news/southlake-texas-holocaust-books-schools-rcna2965>.
6. Robert Pondiscio and Tracey Schirra, “The Making of a Teacher-Martyr,” RealClearPolicy, September 22, 2021, https://www.realclearpolicy.com/articles/2021/09/22/the_making_of_a_teacher-martyr_795411.html.
7. For example, a teacher who was dismissed for violating Tennessee’s teacher code of conduct reportedly told his students, “White privilege is a fact.” Eesha Pendharkar, “He Taught About White Privilege and Got Fired. Now He’s Fighting to Get His Job Back,” *Education Week*, September 13, 2021, <https://www.edweek.org/teaching-learning/he-taught-about-white-privilege-and-got-fired-now-hes-fighting-to-get-his-job-back/2021/09>.

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