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"I have never wanted to quit more as a teacher": How 'Divisive Issues' Legislation Impacts Teachers

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Abstract: *Some state legislatures have introduced a rash of bills designed to control how K–12 teachers discuss so-called 'divisive issues,' such as racism, sexism, and privilege. This legislation has prompted substantial news coverage on the impact of these laws. Sidelined in this discourse are the perspectives of teachers. This mixed methods study seeks to understand the impact this legislation may have on teachers. We identified three themes salient to how teachers as 'gatekeepers' (Thornton, 1991) anticipate these legislative efforts influencing their practice: curricular autonomy, context, and institutional guidance. The paper concludes with the significance of these findings, including potential policy implications at the national, state, and local levels.*

Keywords: divisive issues, controversial issues, curricular instructional gatekeeping, teacher perceptions

INTRODUCTION

In the past year, state legislatures across the United States have introduced bills designed to control how K–12 teachers discuss so-called *divisive issues*. As of July 2022, seventeen states have passed such bills; twenty-two states proposed bills that are currently moving through legislatures; and four states have undertaken other related, state-level actions such as state board approval of curricular restrictions (Schwartz, 2022). Pollock et al. (2022) have termed this anti-Critical Race Theory (CRT) fueled agenda the 'conflict campaign,' because legislators have

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"manufactured conflict to partisan ends, and exploited real divisions over how to teach about race and for inclusion in U.S. society" (page ii).

Conservative legislators have identified certain issues as *divisive*, and have intentionally framed them this way. For example, Iowa's HB 802, signed into law in 2021, prohibits teaching about historical and contemporary systemic racism in America's. Texas' SB 3 was also signed into law in 2021, and stipulates that a "teacher may not be compelled to discuss a widely debated and currently controversial issue of public policy or social affairs" (Texas Senate Bill 3, 2021), including issues related to race, gender, identity, and sexism. By framing racism as *divisive*, it is perceived as too politically partisan to be taught in schools, and therefore it should be excluded. However, it is important to recognize that in many places, these are widely accepted beliefs that are not inherently *divisive*.

These legislative actions have prompted an outpouring of news coverage on the meaning and impact of these new laws, much of which focuses on parents, legislators, and school board members' thoughts and their perceived need for such legislation. However, sidelined in this discourse are the perspectives of teachers themselves. What do they perceive the impacts of these legislative efforts to be? And how do they intend to respond to the restrictions they impose? The potential implications of these laws on teachers' lives, both in and out of the classroom, are vital to understand. Whether or not these issues are divisive, the controversy that teachers are experiencing over these issues is real. The choices teachers make in the classroom directly influence not just what content gets taught, but also how and for what purpose. Furthermore, considering the close relationship between teacher morale, teacher retention, and student achievement (Benitez-Mackintosh, 2018), legislation affecting teacher practice may have far-reaching unintended consequences.

We conducted a mixed methods study to better understand how practicing teachers understand and interpret these new restrictions on teaching 'divisive issues' with specific attention to their anticipated impact on teachers' curricular-instructional decision making. As such, we explored answers to two main questions in this study:

- What teacher characteristics and contextual factors influence the extent to which teachers anticipate the legislation affecting their gatekeeping practice?
- In what ways do teachers perceive this legislation will influence their lived classroom experiences in states where restrictive legislation has passed?

THEORETICAL FRAMEWORK

This study is grounded in the work of Thornton (1991; 2005) regarding the role of teachers as curricular-instructional gatekeepers. A gatekeeper determines what information should or should not move to a specific group of people (White, 1950); therefore, gatekeeping involves filtering information (Shoemaker & Vos, 2009). Classroom teachers filter information from the official curriculum into the operational curriculum (Thornton, 1989), the latter "on a daily basis, constructed by the teacher" (p. 2).

A review of the literature reveals that the context of the school affects the degree to which teachers take up their authority as curricular-instructional gatekeepers (Cornbleth, 2001). Some prominent contextual factors that affect curricular autonomy include district, state, and national policies; community-level factors such as the socio-economic, racial, and political composition in the school community; school-level factors such as administrative support and instructional

autonomy; and classroom-level factors such as grade and subject (Engebretson, 2018; Girard et al., 2021; Hess & McAvoy, 2014).

Understanding how teachers perceive the context of contemporary issues in light of their classroom practice can better inform policy discussions that move beyond simplistic binaries to a more nuanced understanding of what these restrictions mean for teaching. Therefore, this research examines teachers' perceptions of their curricular autonomy as a measure of curricular-instructional gatekeeping, which has the potential to impact their experiences in the classroom.

LITERATURE REVIEW

TEACHER DECISION MAKING

We frame our investigation of teachers' perspectives on teaching divisive issues within the context of teacher decision making and their role as gatekeeper. Teachers make at least 1,500 decisions in their classroom every day (Klein, 2021). They make decisions around content, pedagogy, assessment, classroom management, etc., and these decisions determine "both what content and experiences students have access to and the nature of that content and those experiences" (Thornton, 1989, p. 4). Teachers' beliefs about school, the operational curriculum, and the official curriculum all impact the decisions they make in the classroom as gatekeeper (Thornton, 1989, 2005). These decisions have been found to have a significant impact on the quality of schools (VanLommel & Pepermans, 2021).

Even when covering state or local content standards, teachers often possess broad and direct autonomy and decision-making over what is taught in classrooms, and how it is taught (Erss, 2018; Martinez et al., 2021; Ozturk, 2012; Salokangas, et al., 2020). Teachers are using more data to make curricular decisions (Filderman et al., 2021), but some do feel as if they need additional training on the best ways in which to do this (Gallagher et al., 2008; Means et al., 2011). And while most believe that they have curricular autonomy, Huck (2020) found that administrator control heavily influences teacher decision-making.

Teachers' thinking, planning, and decision-making is contextual and situationally-specific (Clark & Lambert, 1986; Clark & Peterson, 1986). For instance, as teachers plan to be responsive to their specific students, they make classroom text decisions based on student input (Miller, 1991) and adjust lessons for student confusion (Boyd, 2012). Even when implementing a standardized curriculum, teachers modify it based on their knowledge of students, conversations with parents, and the time of year (Troyer, 2016). Gradwell and Dicamillo (2013) found that teachers who collaborated on curriculum and who were supported institutionally by their administration positively impacted student learning.

Teachers do not always make the decisions that result in the most effective pedagogical practices, though. In some instances, teachers may miss opportunities to build on student thinking by failing to prompt and probe effectively (Kooloos et al., 2022). Harris (2021) found that teachers tend to adopt a low-risk approach when making decisions about curricular choices; this is especially true regarding their content and pedagogical choices. Consequently, teachers may avoid addressing divisive issues when making curricular decisions since preferences for lower-risk may result in pedagogical choices that limit discussions of divisive issues.

FRAMING CONTROVERSIAL ISSUES

A functional democracy relies on a citizenry that is prepared to engage issues of political equality, tolerance, autonomy, and political engagement (Dewey, 1916; Hess & McAvoy, 2014).

Moreover, successfully engaging these issues requires a common framing, a common goal: that not of being right or of "winning," but of moving closer to a shared vision of a common good (Barton & Levstik, 2004; Gee, 2018). Like skills of any other sort, these civic capacities rely on effective teaching and learning, and the best learning environment for developing these abilities is often authentic practice (Dewey, 1938; Lave & Wenger, 1991; Tyler, 1949).

Scholars have long discussed the importance of engaging with controversial issues in classrooms (Elliott, 1951; Hatch, 1936; King; 1984; Todd, 1951). Pace (2022) found many reasons why doing so is important, including increasing critical thinking; learning from others perspectives; assisting in making students more tolerant; teaching students the skills of democratic debate, and fostering student interest in issues. It is necessary to integrate such issues, and teachers must do so with an eye to "critical inquiry, exposing the students to a variety of ideas, even if they are different from their own" (Byford et al., 2009, p. 165). It is incumbent upon teachers to support student skill building with regard to embracing disagreements that are productive in nature and to help them work through the compromise and opinion-changing process (Kawashima-Ginsberg & Junco, 2018).

A note on language: the literature has typically used the term *controversial issues* when addressing sensitive topics (Hahn, 1991; Kelly, 1986) or *controversial public issues* (Hess, 2002), defining them as unresolved questions of public policy that spark significant disagreement" (pg. 11). However, other terms have also been similarly defined. Journell uses *contentious issues* (2017), *controversial identity issues* (Journell, 2020), and *contested issues* (Journell, 2021) interchangeably. Recently, legislatures in particular have used the term 'divisive' to highlight the notion that some issues divide society. As such, the researchers chose to utilize the same language throughout this study, referring to controversial issues as *divisive issues*.

Teaching Controversial Issues

Scholars have long advocated classroom discussion as one effective mechanism by which students develop these skills (Pace, 2019; 2021). Such discussions provide students with opportunities to articulate and evaluate their own understandings, explain their arguments, listen to how others think through the same questions, and civilly interrogate others' views (Gee, 2018; Hess, 2004). Discussions "can help students think through the complicated dimensions of a complicated world" (Hess, 2004, p. 153). Given that educational institutions are among the last remaining arenas where young people can develop these skills in low-stakes settings (Kaka et. al, 2021), the social studies classroom remains a key space in which young people may be exposed to teaching and learning relevant to their future responsibilities as citizens.

Indeed, teacher practice appears to be the paramount factor influencing whether students learn how to discuss controversial issues effectively (Hess, 2009). Students that participate in "best-practices discussions" outperform those involved in less robust or no discussions at all. These students are more likely to intend to vote, are more interested in politics, follow the news more frequently, and are more willing to listen to those with whom they disagree (Hess & McAvoy, 2014). While classroom discussion of controversial issues in social studies classrooms was once uncommon (Hess, 2004), teachers are now finding ways to incorporate these discussions (Kaka & Hollstein, 2022). Consequently, the literature has shifted, and is dominated by research on the ways in which teachers should approach these discussions (Hess, 2009; Hess & McAvoy, 2014; Journell, 2020; Pace, 2019).

Leveraging classroom discussions of controversial issues remains replete with challenges for teachers, however (Hess & McAvoy, 2014; Pace, 2019). How does one teach students from

homogenous political settings to engage unpopular opposing viewpoints in the classroom? What of students from religious backgrounds or positioned within explicitly religious educational settings–how do teachers support students' autonomy within the boundaries of their religious framework(s)? Indeed, the emotional reactions of students in the course of discussing controversial issues may interfere with learning goals or generate inflammatory discourse that students may find threatening (Pace, 2019).

Additionally, teachers often face the daunting task of exercising their professional judgment, deciding what issues qualify as–and should be presented as–controversial, and how their personal beliefs influence these choices. On this question, research has illuminated four approaches to controversial issues in the classroom: *denial*, or denying an issue is controversial at all; *privilege*, or acknowledging an issue is controversial and choosing to privilege one side through their instructional decisions; *avoidance*, or choosing not to include a controversial in their course; and *balance*, which typically involves applying a standard for determining whether a topic is an issue and, if it is, teaching about it without favoring a particular perspective (Hess, 2005). Balancing tensions between facilitating authentic student engagement around controversy and maintaining an inclusive space for all students, regardless of worldview, is also an issue. Additionally, teachers must contend with the ever-present question of whether to divulge their own views on topics (Hess, 2005). It is little surprise, then, that discussions often fail. Teachers and researchers who specialize in discussion report four central problems: the tendency of teachers to talk too much; to ask inauthentic questions; lack of focus and depth in students' contributions; and the unequal participation of students (Hess, 2004).

METHODS

To investigate the perceptions of teachers regarding the impact of the legislation, the researchers conducted a mixed phenomenological study (Moustakas, 1994) following IRB approval. According to Creswell and Poth (2017), phenomenological designs allow researchers to explore the perceptions and insights of individuals who shared the same experience. The phenomenological method best enables the researchers to determine the point of view of the teachers with regards to their firsthand experiences with the purposed and enacted legislation (Gallagher, 2012). We utilized a sequential mixed methods procedure, as the quantitative survey results were utilized to drive the qualitative interviews (Creswell, 2009).

QUANTITATIVE DATA COLLECTION AND ANALYSIS

A survey was administered to K-12 educators working in the United States from October 26- November 27, 2021. Participants were recruited through email lists, social media, and through the researchers' individual networks, resulting in 573 unique responses from active U.S. K-12 teachers. The final survey sample was geographically diverse, including participants from 47 U.S. states and 263 counties, and broadly reflected the demographics of the U.S. teacher population in terms of race, gender, and years of teaching experience. Politically, participants were also much further to the left than the average U.S. teachers. In the sample, 74% identified as "liberal" or "very liberal" compared to only 29% in a 2017 national survey of teachers conducted by *Education Week* (Yettick et al., 2017). As a result, it is expected that this study's results would be skewed toward greater opposition to divisive issue laws than might be seen in the teacher population as a whole. However, there were significant differences in the political context where teachers taught. In this sample, 42% of participants said they worked in "blue" counties where more than 60% of voters

chose Biden over Trump in the 2020 election, 44% in "purple" counties where the margin ranged between 40% for Trump and 60% for Trump, and 14% in "red" counties where more than 60% of voters supported Trump. Full demographics for the sample can be found in Table 1.

In the quantitative analysis, the researchers focused on two key outcomes. First, participants were prompted with the following statement: "Since May 2020, a number of states have passed legislation to prohibit the teaching of, advocating for, or promoting certain topics such as critical race theory, white and male privilege, and that the US is a fundamentally racist and sexist country." Subsequently, participants were asked to indicate their level of support or opposition to this legislation using a 6-point scale ranging from "Strongly support" to "Strongly oppose." Second, the researchers examined participants' perceptions of the extent to which they believed 'divisive issue' laws would affect their personal teaching practice if they were to be passed in their state. The response option was a 5-point scale ranging from "Not at all" - "To a great extent." The phrasing of this question varied slightly depending on whether participants responded that the laws had already been passed, introduced, or not introduced in their state.

We hypothesized that teacher autonomy would be an important predictor of teachers' attitudes toward the legislation and their perceived impact on teaching practice. To measure autonomy, we used an existing scale developed for a 2018 Teaching and Learning International Survey (OECD, 2020). The scale assessed teachers' perceived level of autonomy in five areas: determining course content, selecting teaching methods, assessing students' learning, disciplining students, and determining the amount of homework to be assigned. The scale used a four-point rating scale ranging from "Strongly disagree" to "Strongly agree." Responses were averaged across all five items and standardized prior to analysis. We also included a secondary predictor examining the alignment between participants' personal views and those of their school community. This alignment was assessed using a survey question that gauged the extent to which participants' political views were aligned with those in their school community, utilizing a five-point scale ranging from "Not at all" to "Completely."

We used ordinal logistic regression to model the relationships between teacher characteristics and their attitudes on the new legislation and its perceived effects on their practices. Table 2 outlines the order in which variables were introduced in the model and, when applicable, descriptions of any data sources or transformation we made to the variable prior to analysis. All analysis was conducted in *R* using the MASS package to run the ordinal logistic regression to run the models. In the description of our analyses, we report statistical significance and estimates from the final model with all predictors included.

Table 1
Survey Participant Demographics

Gender	**Percentage**	**County 2020 Election Margin**	**Percentage**
Female	74%	Blue (> 60% Dem)	42%
Male	25%	Purple (40% Dem - 60% Rep)	44%
Non-binary	2%	Red (> 60% Rep)	14%
Political Learning		**Years of Teaching Experience**	
Very Liberal	34%	0-2	3%
Liberal	40%	3-5	11%
Moderate	21%	6-10	18%
Conservative	4%	11-15	15%
Very Conservative	1%	16 or more	53%
Race		**School Type**	
American Indian or Alaska Native	2%	District Public	83%
Asian	2%	Charter School	8%
Black	2%	Private School	6%
Hispanic, non-White	3%	Other	3%
Middle Eastern or North African	1%		
More than one race	5%		
White	80%		
Other	2%		

Table 2: Model-Building Steps and Transformations

Model Number	**New Variables Introduced**	**Descriptions**
1	Gender (Female) Race (White), Education level (Master's) Teaching experience (0-2 years) Political ideology (Very liberal)	
2	Subject and grade-level taught (ELA)	If K-5 coded as "Elementary", otherwise we **included** the specific subject taught (e.g., Math)
3	Teacher Autonomy School type (District public school)	For Teacher Autonomy five-item scale developed for a 2018 Teaching and Learning International Survey (OECD, 2018) and standardized prior to analysis
4	County-level Trump vote share (2020) School-community viewpoint alignment (Not at all)	County-level data was obtained from the MIT Election Lab, merged with county based on self-reported zip code, and standardized prior to analysis Measured viewpoint alignment on a five-point scale ranging from "Not at all" to a "Completely".
5	Actual status of laws in November 2021 (Introduced Legislation)	Data sourced from Education Week
6	Correctly identified status of laws (Correct)	Yes/No variable indicating whether participants correctly identified laws as passed, introduced, or not introduced in their state

Note. If categorical excluded category in parenthesis

QUALITATIVE DATA COLLECTION AND ANALYSIS

After completing an initial quantitative analysis on the survey data, we conducted follow-up interviews with eight practicing classroom teachers in states where restrictive legislation has been passed. From the sample of 573 survey respondents, all participants who indicated their willingness to participate in a follow-up interview were contacted. Those participants were filtered by state, focusing on those in states where restrictive legislation has been passed. From there, one member of our team conducted eight interviews over Zoom, utilizing an interview protocol that

asked them to expand on their specific survey answers. The demographic breakdown of the sample can be seen in Table 3.

Table 3
Qualitative Sample

Gender	Female	5
	Male	3
Race	White	8
State	Arizona	1
	Iowa	2
	New Hampshire	1
	Oklahoma	1
	Texas	2
	Utah	1
Content Area/grade	Secondary Social Studies	3
	Secondary English language arts	2
	Secondary Science	1
	Elementary	2
School context	Public	6
	Private	2

The remaining interview transcripts were coded by at least two researchers, using both deductive and inductive analysis. Researchers recorded interviews, which were subsequently transcribed by a third party. Some of the initial deductive codes used in analysis were "effect on teaching," and "autonomy." While these codes were a helpful starting point, we realized our participants were responding in ways we had not hypothesized, so we developed inductive codes

to address some of the coding gaps. Researchers individually analyzed transcripts, separately coding interviews one and eight in two cycles to establish a consensus of the descriptive codes (Saldaña, 2021). All researchers then came together as a group to share notes and definitions, reaching consensus on a final code book.

RESULTS

QUANTITATIVE

Overall, participants in our sample largely opposed these laws —73% of participants in the sample "Strongly opposed" the laws and eight percent "opposed" them. Only 10% of participants strongly supported or supported the laws. Participants' demographics rather than school characteristics were the strongest predictors of whether participants supported or opposed their state's divisive issue laws. Participants without a bachelor's degree and those who identified as politically moderate or conservative were significantly less likely to oppose the laws. Teachers who taught in elementary school were less likely to oppose the laws. Participants with more years of teaching experience (11-15) were significantly more likely to oppose the laws than those with 0-2 years of teaching experience. Knowledge of the laws was also a significant predictor — participants who incorrectly identified the status of the laws in their state were less likely to oppose the laws. We report the results from the stages of the model in Table 4.

Participants' perceptions of how these laws might affect their practice was much more evenly distributed across the sample than the perceptions of the laws themselves. About one-quarter (27%) of participants said that the restriction "would not affect them at all," while 17% said it would affect them "a little." For 25% of participants, the laws would "somewhat" affect them, and for 15% they would affect their practice "very much." Another 15% belieed the laws would affect their practice to "a great extent." As reported in Table 3, unlike support or opposition to the laws, contextual factors were stronger predictors of whether participants thought the law would affect their teaching practice than demographic factors. In particular, teachers who reported a higher level of autonomy and who reported that their school community "Mostly" aligned with their beliefs were significantly less likely to report that the laws would affect their practice. We report the results from the stages of the model in Table 5.

Table 4

Model Results for Support/Opposition for Divisive Issue Laws

	Model Number					
	1	2	3	4	5	6
American Indian or Alaskan Native	-1.79** (0.56)	-1.48** (0.57)	-1.36* (0.58)	-1.49 (0.84)	-1.48 (0.83)	-1.51 (0.85)
Black	-1.50* (0.66)	-1.58* (0.69)	-1.55* (0.70)	-0.99 (0.79)	-0.93 (0.79)	-1.08 (0.80)
Asian	-0.74 (0.63)	-0.73 (0.65)	-0.72 (0.67)	-1.03 (0.93)	-1.03 (0.93)	-0.90 (0.96)
Hispanic, non-White	-0.42 (0.53)	-0.14 (0.55)	-0.05 (0.57)	-0.05 (0.71)	-0.07 (0.72)	-0.21 (0.72)
More than one race	-0.54 (0.46)	-0.63 (0.47)	-0.62 (0.47)	-0.29 (0.53)	-0.35 (0.53)	-0.23 (0.54)
Middle Eastern or North African	-1.06 (1.03)	-1.20 (1.11)	-1.03 (1.11)	-1.82 (1.47)	-1.93 (1.48)	-2.03 (1.49)
Other Race	-1.01 (0.76)	-0.84 (0.82)	-0.90 (0.82)	-0.78 (0.82)	-0.67 (0.84)	-0.68 (0.86)
Male	-0.50 (0.26)	-0.61* (0.27)	-0.58* (0.28)	-0.67* (0.32)	-0.66* (0.32)	-0.62 (0.33)
Non-binary	-0.66 (1.19)	-0.88 (1.19)	-0.97 (1.19)	-0.83 (1.25)	-0.85 (1.26)	-0.79 (1.28)
No Bachelor's	-2.23*** (0.61)	-1.82** (0.62)	-1.86** (0.62)	-1.92* (0.84)	-1.99* (0.84)	-2.06* (0.84)
Bachelor's	-0.43 (0.28)	-0.40 (0.29)	-0.42 (0.29)	-0.36 (0.32)	-0.37 (0.33)	-0.42 (0.33)
Doctorate	-0.14 (0.47)	-0.27 (0.49)	-0.19 (0.50)	-0.45 (0.55)	-0.48 (0.55)	-0.60 (0.55)

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3-5 years	-0.83 (0.56)	-0.55 (0.59)	-0.55 (0.59)	-0.29 (0.71)	-0.30 (0.71)	-0.38 (0.72)
6-10 years	0.23 (0.57)	0.40 (0.60)	0.37 (0.60)	0.91 (0.74)	0.90 (0.74)	0.72 (0.75)
11-15 years	1.24* (0.62)	1.23 (0.65)	1.16 (0.65)	1.83* (0.81)	1.81* (0.81)	1.74* (0.83)
16 or more years	0.98 (0.57)	1.07 (0.59)	0.99 (0.60)	1.39* (0.70)	1.37 (0.70)	1.21 (0.71)
Liberal	-1.55*** (0.37)	-1.54*** (0.37)	-1.57*** (0.37)	-1.61*** (0.42)	-1.63*** (0.42)	-1.69*** (0.43)
Moderate	-2.50*** (0.38)	-2.45*** (0.39)	-2.52*** (0.39)	-2.71*** (0.44)	-2.73*** (0.44)	-2.77*** (0.45)
Conservative	-4.79*** (0.61)	-4.74*** (0.61)	-4.75*** (0.63)	-5.08*** (0.72)	-5.12*** (0.72)	-5.04*** (0.72)
Very conservative	-5.77*** (0.92)	-5.74*** (0.94)	-5.61*** (0.95)	-5.54*** (0.99)	-5.66*** (1.00)	-5.93*** (1.01)
ELA/Social Studies		-0.44 (1.18)	-0.41 (1.18)	-0.47 (1.21)	-0.43 (1.21)	-0.51 (1.22)
Elementary		-1.56** (0.54)	-1.57** (0.55)	-1.36* (0.59)	-1.42* (0.60)	-1.29* (0.60)
Math		-1.63* (0.79)	-1.60* (0.80)	-1.54 (0.83)	-1.56 (0.83)	-1.42 (0.86)
Other Subject		-0.54 (0.57)	-0.53 (0.57)	-0.38 (0.61)	-0.40 (0.61)	-0.48 (0.61)
Science		-1.02 (0.70)	-1.03 (0.70)	-1.02 (0.73)	-1.04 (0.73)	-0.98 (0.73)
Social Studies		-0.60 (0.60)	-0.57 (0.61)	-0.27 (0.65)	-0.27 (0.65)	-0.36 (0.65)
Special education		-1.32	-1.35	-1.34	-1.38	-1.46

		(0.80)	(0.80)	(0.85)	(0.86)	(0.87)
Charter public school			-0.47 (0.39)	-0.49 (0.49)	-0.47 (0.49)	-0.40 (0.50)
Private school			-0.003 (0.47)	0.17 (0.62)	0.14 (0.62)	0.27 (0.63)
Other school			-0.53 (0.73)	-0.58 (0.87)	-0.53 (0.87)	-0.47 (0.89)
Teacher Autonomy (Standardized)			-0.07 (0.13)	0.002 (0.14)	0.01 (0.14)	-0.03 (0.14)
A little				0.28 (0.58)	0.33 (0.58)	0.44 (0.59)
Somewhat				0.30 (0.54)	0.33 (0.54)	0.42 (0.54)
Mostly				0.46 (0.57)	0.48 (0.58)	0.50 (0.58)
Completely				-0.60 (0.88)	-0.61 (0.87)	-0.63 (0.87)
Trump Vote Share 2020 (Standardized)				-0.07 (0.15)	-0.07 (0.16)	-0.03 (0.16)
Not introduced or passed legislation					0.23 (0.31)	0.25 (0.31)
Passed legislation					0.31 (0.48)	0.15 (0.49)
Incorrectly identified law status						-0.71* (0.30)
Observations	527	526	525	474	474	474
Note				*p<0.05; **p<0.01; ***p<0.001		

Table 5

Model Results for Perceptions of Impact on Personal Teaching Practice

	Model Number					
	1	2	3	4	5	6
American Indian or Alaskan Native	0.16 (0.49)	0.22 (0.50)	0.22 (0.51)	0.72 (0.71)	0.64 (0.72)	0.58 (0.73)
Black	-0.47 (0.58)	-0.69 (0.60)	-0.81 (0.60)	-0.84 (0.65)	-0.88 (0.64)	-1.02 (0.65)
Asian	0.82 (0.53)	0.83 (0.54)	0.98 (0.53)	1.60* (0.71)	1.60* (0.71)	1.69* (0.72)
Hispanic, non-White	0.12 (0.43)	0.05 (0.44)	0.03 (0.45)	0.50 (0.50)	0.51 (0.50)	0.51 (0.50)
More than one race	-0.02 (0.38)	-0.07 (0.39)	-0.12 (0.40)	-0.21 (0.42)	-0.18 (0.42)	-0.15 (0.43)
Middle Eastern or North African	-0.80 (1.03)	-0.78 (1.04)	-0.23 (1.04)	0.01 (1.39)	0.13 (1.39)	0.14 (1.34)
Other Race	-0.09 (0.67)	-0.03 (0.67)	-0.04 (0.68)	-0.09 (0.69)	-0.08 (0.69)	-0.12 (0.69)
Male	-0.48* (0.19)	-0.42* (0.20)	-0.38 (0.21)	-0.31 (0.22)	-0.33 (0.22)	-0.34 (0.22)
Non-binary	-0.84 (0.70)	-0.82 (0.70)	-0.80 (0.71)	-0.94 (0.73)	-0.98 (0.73)	-1.00 (0.73)
No Bachelor's	0.36 (0.53)	0.45 (0.54)	0.30 (0.54)	0.88 (0.66)	0.90 (0.66)	0.99 (0.68)
Bachelor's	-0.13 (0.20)	-0.15 (0.21)	-0.19 (0.21)	-0.28 (0.23)	-0.30 (0.23)	-0.33 (0.23)
Doctorate	0.93** (0.34)	0.93** (0.35)	1.14** (0.36)	1.37*** (0.38)	1.37*** (0.38)	1.40*** (0.38)
3-5 years	-0.19 (0.50)	-0.16 (0.50)	-0.19 (0.51)	-0.49 (0.62)	-0.42 (0.62)	-0.50 (0.62)
6-10 years	-0.03 (0.49)	0.002 (0.50)	-0.05 (0.50)	-0.38 (0.60)	-0.33 (0.60)	-0.48 (0.61)
11-15 years	0.22 (0.50)	0.18 (0.50)	0.13 (0.51)	-0.05 (0.61)	0.02 (0.61)	-0.08 (0.62)
16 or more years	-0.04 (0.48)	-0.06 (0.49)	-0.12 (0.50)	-0.31 (0.59)	-0.26 (0.59)	-0.40 (0.59)
Liberal	-0.005 (0.19)	-0.03 (0.19)	-0.07 (0.19)	-0.01 (0.20)	-0.03 (0.20)	-0.05 (0.21)

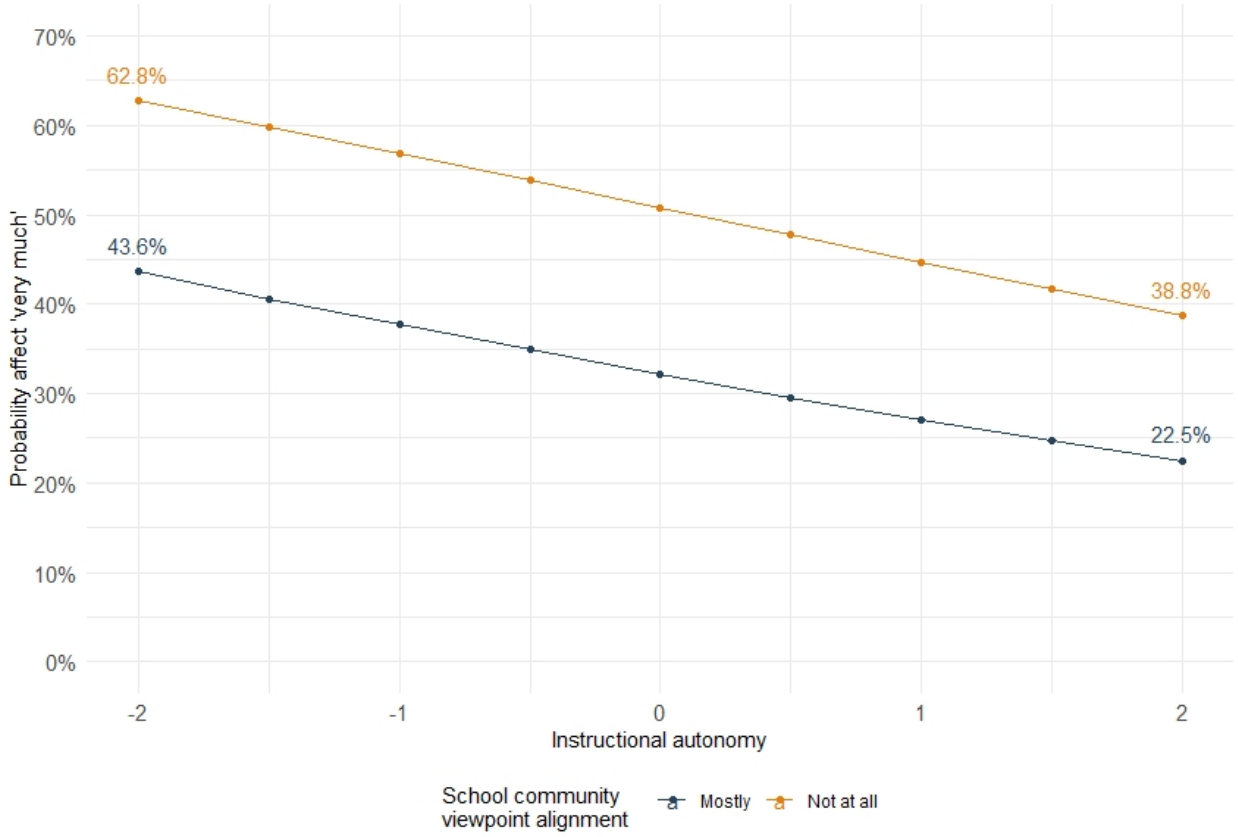
Moderate	-0.09 (0.22)	-0.08 (0.23)	-0.21 (0.23)	-0.07 (0.25)	-0.08 (0.25)	-0.07 (0.25)
Conservative	-0.34 (0.45)	-0.28 (0.45)	-0.39 (0.46)	-0.31 (0.52)	-0.29 (0.51)	-0.21 (0.51)
Very conservative	-1.42 (0.90)	-1.33 (0.90)	-1.07 (0.91)	-0.96 (0.93)	-0.97 (0.95)	-1.11 (0.95)
ELA/Social Studies		0.28 (0.55)	0.46 (0.55)	0.63 (0.55)	0.64 (0.55)	0.54 (0.55)
Elementary		-0.45 (0.27)	-0.51 (0.27)	-0.45 (0.30)	-0.42 (0.30)	-0.38 (0.30)
Math		-0.84 (0.49)	-0.87 (0.49)	-0.70 (0.50)	-0.69 (0.50)	-0.65 (0.50)
Other Subject		-0.47 (0.27)	-0.36 (0.28)	-0.21 (0.29)	-0.20 (0.29)	-0.25 (0.29)
Science		-0.44 (0.38)	-0.43 (0.38)	-0.30 (0.40)	-0.30 (0.40)	-0.28 (0.40)
Social Studies		-0.41 (0.31)	-0.29 (0.32)	-0.13 (0.33)	-0.12 (0.33)	-0.17 (0.33)
Special education		0.40 (0.55)	0.24 (0.55)	0.03 (0.61)	0.09 (0.61)	0.03 (0.61)
Charter public school			0.15 (0.32)	-0.28 (0.37)	-0.28 (0.37)	-0.22 (0.37)
Private school			-0.29 (0.39)	-0.24 (0.45)	-0.19 (0.45)	-0.10 (0.46)
Other school			-1.32* (0.53)	-1.30* (0.57)	-1.37* (0.57)	-1.42* (0.58)
Teacher Autonomy (Standardized)			-0.24** (0.08)	-0.23* (0.09)	-0.23* (0.09)	-0.25** (0.09)
A little				-0.52 (0.35)	-0.55 (0.36)	-0.54 (0.36)
Somewhat				-0.42 (0.34)	-0.42 (0.34)	-0.42 (0.34)
Mostly				-0.83* (0.36)	-0.83* (0.36)	-0.85* (0.36)
Completely				0.07 (0.59)	0.09 (0.58)	0.03 (0.59)
Trump Vote Share 2020 (Standardized)				-0.11 (0.10)	-0.14 (0.11)	-0.12 (0.11)
Not introduced or passed legislation					-0.24 (0.20)	-0.25 (0.20)
Passed legislation					0.05 (0.33)	-0.16 (0.34)

Incorrectly identified law status						-0.50** (0.18)
Observations	523	522	521	470	470	470
Note				*p<0.05; **p<0.01; ***p<0.001		

Teachers' sense of autonomy and perception of their alignment with the school community was a strong predictor of whether teachers anticipated that the new laws would affect their practice. For example, a teacher who reported a level of instructional autonomy two standard deviations below the mean and who said their school community was "not at all" aligned with their views had a 63% probability of saying the laws would affect them to "very much" or to "a great extent." However, this drops to 23% for a teacher with instructional autonomy two standard deviations above the mean who said the community was "mostly" aligned with their beliefs (Figure 1).

Figure 1

Estimated Probability of Laws 'Very Much" Affecting Practice by Teacher Autonomy and Viewpoint Alignment



QUALITATIVE

During preliminary analysis of the qualitative data, the researchers identified three themes salient to how teachers anticipate 'divisive issues' legislation influencing their classroom practice: *curricular autonomy, context,* and *institutional guidance.* Overall, teachers felt that their gatekeeping experiences have undergone changes as a result of what they believe is permissible or impermissible to teach.

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Curricular Autonomy

All participants discussed their curricular autonomy, and referenced it regarding whether or not they have lost autonomy to make curricular decisions in the classroom. Five participants indicated that they have felt a loss of autonomy. One indicated that after the legislation passed, they "got lists of dos and don'ts, of what topics are appropriate and things like that." Another said, there is a "chilling effect from worrying about who's looking over your shoulder and what you're saying and how they're going to interpret it, it just shuts down those [classroom] conversations. And there's such rich conversations that kids need to have." Teachers felt that their curricular-instructional gatekeeping has been affected because they have to make different choices about the operational curriculum.

In contrast, three teachers said that they have a great deal of autonomy in the classroom still, even with the legislation in effect. This may be due, in part, to the fact that two of these three are teaching in private schools. Some felt they had autonomy at the school level, and that their administration trusted them to make their own decisions, but did not feel as if they had that same level of trust from the district level. And others simply invoked their autonomy–they were just going to teach what they felt they needed to teach. One public school teacher said, "I've pretty much decided I'm going to teach history in as well-rounded a way as I can. If that means that I end up losing my job at some point over it, at least I'm going out with my dignity intact."

Others didn't feel as if they had autonomy, but did not care, as they were untroubled by the laws. One said, "I'm very open in what I teach. Anybody can look at my lessons. Anybody can come watch me teach whenever they want. I don't care. But it doesn't limit how I teach. And I don't necessarily take that into consideration of, 'Oh! Admin's going to come watch me today. I better watch my mouth,' or something like that." These teachers' gatekeeping experiences didn't shift because of what they felt they could or couldn't teach.

Context

School, district, and community context play an important part in shaping the teachers' perceptions of the impact of the legislation, especially in the ways it changed as a result of the laws. What was teaching like in their school, district, or community before the legislation was passed, and what is it like now? More than one teacher cited a feeling of support from the community and from parents in the spring of 2020 when the pandemic hit and schools shut down, but now felt as if that sense of trust in teachers is gone with the legislation in effect. One said, "now, flash forward to this year. It's like, wait, what? You think that we're trying to turn your kids gay? That's actually been talked about at school board meetings and stuff like that. It's crazy. I was like, where did that energy go? Where did that trust or support go so quickly and why?"

That lessening of trust and support was also cited in that teachers could no longer pick their own textbooks/materials, and had to have legal training on what they were no longer able to discuss in the classroom. Prior to the legislation passing, one teacher said that "[admin] literally just came into our room and said, 'What books do you want? Let us know. Bye-bye.' That's it," and then they got what they wanted. After the legislation passed, that same teacher said, "now we got lists of dos and don'ts, of what topics are appropriate and things like that. It was so much more strict and upsetting and frustrating too." School and community context affected teachers' gatekeeping abilities, since they were forced to make curricular and instructional choices based on their states' legislation.

INSTITUTIONAL GUIDANCE

Teachers shared the ways in which they felt their institution provided guidance to teach effectively under the constraints of the legislation, and the ways that they feel protected by their districts. Some teachers reported that administrators provided clarity by specifying that teachers could engage in certain conversations if students initiated them. One teacher noted, "I do remember a caveat that everyone was like, 'Oh, this will save us though,' is you can engage in these conversations if students prompt it." As long as the student is the one that asks the question, or brings in the content, the teacher can't get in trouble.

Another cited a similar provision in a law from another state: "So yeah, to protect ourselves, they [admin] basically just said, don't start divisive conversations with kids. Don't allege that Iowa is historically and systemically racist or that one race is inherently better than the other. Who the F is going to say that anyway? No one is." And one district's lawyer came and walked them through the legislation to ensure that they understood what protections the district could provide for them. Ultimately, they were instructed by the lawyer to "stick to the standards and you'll be fine." Teachers' gatekeeping is changing because they now have to craft a way for critical discussions to come up or wait for them to emerge organically.

In a few instances, teachers' institutional guidance, or lack thereof, didn't matter. Some teachers were going to keep doing what they wanted because they believed that's what needed to be done in classrooms. One teacher even said that "the secret to survival in public education is quiet subversion. I'm going to continue to close my door and do what is right."

DISCUSSION

This study found that although most teachers in the sample opposed the new 'divisive issues' laws, they were split in terms of how much they thought their practice would be affected. Critically, teachers who reported less instructional autonomy and worked in less ideologically-aligned school communities were more likely to perceive these laws as a threat to their own personal practice. These findings are consistent with previous research on teaching controversial issues (Hess & McAvoy, 2014) and suggest that teachers that teachers with less autonomy and those in less ideologically-aligned school communities may be more vulnerable to the effects of these laws.

The qualitative data complemented these findings, offering deeper insights into how teachers anticipated that the legislation would affect their curricular autonomy, the context in which they taught, and the guidance provided by their institutions. Many teachers perceived a decline in their curricular autonomy, with lists of approved and prohibited topics being issued. The shift in context, from a supportive community to one that appeared distrustful of teachers, was also noted. Additionally, institutional guidance played a role, with some teachers receiving instructions on how to navigate the legislation within the confines of their schools. The teaching profession has seen declining enrollment for the past decade (Will, 2022), but this removal of trust and continued de-professionalization of teaching will surely exacerbate that even more.

The combined quantitative and qualitative results underscore the complexity of the issue and highlight the potential challenges teachers face in navigating the evolving landscape of education policy. Teachers play a pivotal role in determining what is taught and how it is taught, making them central figures in the ongoing debate around divisive issues. Their perceptions, attitudes, and experiences are influenced by a combination of contextual, professional, and personal factors. Taken together, the findings of this study have multiple "policy" implications.

We use quotations around the word "policy" to communicate policy considered more widely than is typical in the education policy literature. That is, we take "policy" to include national, state, and district policies, as well as "on-the-ground" policies like those found in schools that influence the day-to-day work and lives of teachers.

At the district level, our findings suggest explicit efforts be made on the part of administrative officials to clarify not just the legislation as they see it, but to be clear and explicit about what teachers can and cannot expect in terms of support around issues that may arise in their classrooms as a result of this legislation. Similarly, school-level leaders should not just translate district expectations down to teachers, but also engage teachers in meaningful discussion of the necessary supports to effectively carry out their work.

At the state and national level, we suggest our findings should spark caution among policymakers. The connection between teacher autonomy and job satisfaction is well documented (Worth et al., 2020), as is the resulting influence on teachers' likelihood of remaining in the field (Sutcher et al., 2016). Our interviews with teachers support these existing assertions, showing the connection between autonomy, satisfaction and longevity. One teacher's statement at end of their interview captures this sentiment: "I will say one thing. It's actually kind of bleak and it's kind of a shitty note to end on, but I have never wanted to quit more as a teacher than this year." Our findings suggest the restrictive legislation that sparked this study may exacerbate the teacher crisis currently present in many of the states enacting these laws. In turn, we consider national efforts to introduce farther-reaching legislation of similar tone to be ill-advised.

CONCLUSION

Classrooms are historically contested spaces. Recent legislative efforts to control curricular topics is in line with a long history of cultural contention around the values, beliefs, and ideas we expose to our young people. With numerous stakeholders involved in the conversation, we turn to teachers as the professionals who engage with young people every day. Teachers are tasked with navigating external considerations such as curriculum, legislation, standards, and policies, while also considering their internal beliefs, experiences, and values, all in light of the students they teach. This study sheds light on the multifaceted nature of the issue and offers valuable insights into how teachers anticipate and experience the impact of divisive issues legislation on their teaching practices. The challenges and opportunities presented by this evolving landscape warrant ongoing research and discussion.

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