

Law and Education: The Uneven Landscape of Black History Curriculums in U.S. K-12 Schools

Work-In-Progress Presentation

Nov. 4, 2025

Thesis

“The struggle of man against power is the struggle of memory against forgetting.”

Milan Kundera

Thesis

- A society's understanding of its own history, particularly of its history of government sanctioned oppression, is fundamental to how that society perceives and responds to contemporary inequities and related exercises of state power
- Distorted dominant historical narratives lead to forgotten histories of oppression and dilute public awareness

Thesis

- Public awareness of histories of oppression is key to cultivating public support for civil rights movements and racial justice initiatives
- Here in the U.S., public awareness, or lack thereof, of the history of oppression of Black people impacts all modern civil rights movements, even those centered around oppression based on other identities such as gender and class

Thesis

- Black history education curriculums in K-12 schools are a key avenue for restoring forgotten histories and increasing public awareness
- Though ongoing efforts have led to success in greater inclusion of black history in K-12 curriculums across the country, there is still far to go

Thesis

- Black history curriculums are inconsistent at the state and local level, historical narratives often downplay or sugarcoat the nature of past oppression, and many curriculums leave out key historical events and systems of oppression, especially more recent history
- Though we are in a regressive era with new and continuing barriers to expanding black history education in K-12 curriculums, it is still possible to work to restore and increase public awareness of these forgotten histories

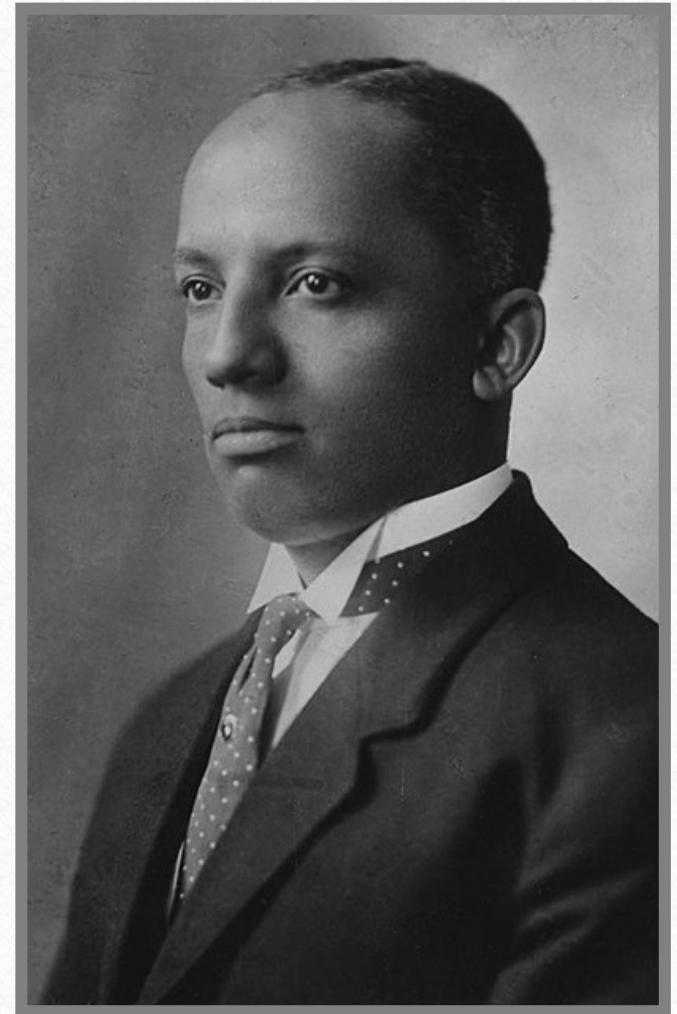
Roadmap

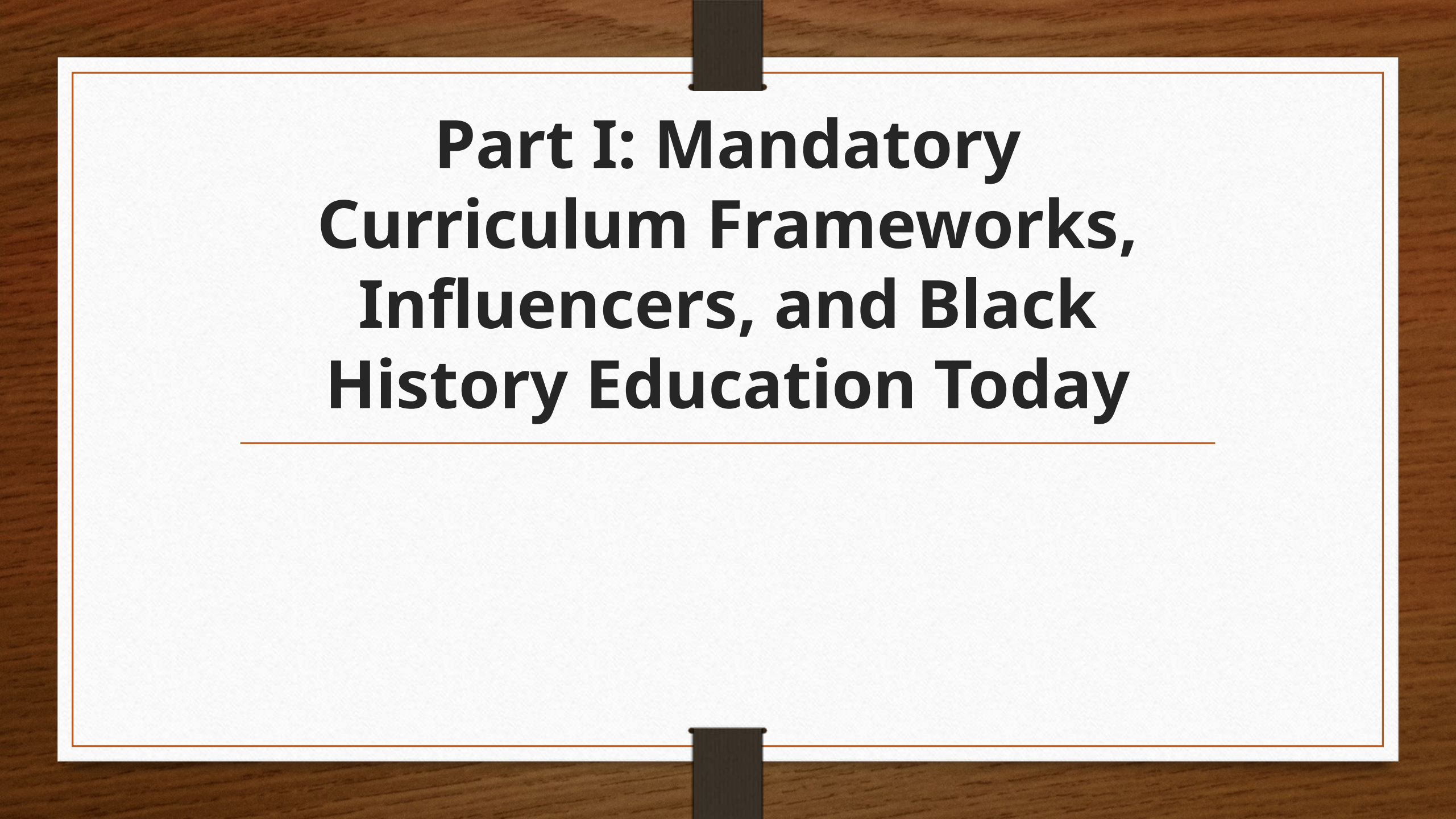
- Introduction
- Part I: State of the Union – Mandatory Curriculum Frameworks, Influencers, and Black History Education Today
- Part II: Strategies to Improve and Expand Black History Education in K-12 Curriculums
- Part III: Barriers
- Part IV: Specific Strategies to Overcome Barriers
- Conclusion

Introduction

Introduction

- Overview of thesis
- Brief discussion of a sample of key figures and initiatives over the years to make Black history part of mainstream K-12 curriculums
- Example of recent controversy over textbook selection – 1974 Kanawha County Textbook Controversy
- Paper roadmap





Part I: Mandatory Curriculum Frameworks, Influencers, and Black History Education Today

Subsections

- A. Law and Policy Governing Mandatory School Curriculums in the United States
- B. Legal, Political, and Other Factors Influencing School Curriculums
- C. Current State of Black History Education

Subpart A: Law and Policy Governing Mandatory School Curriculums in the U.S.

- Legal framework surrounding how mandatory school curriculums are set
- Closer look at Virginia as an example

Subpart B: Legal, Political, and Other Factors Influencing School Curriculums

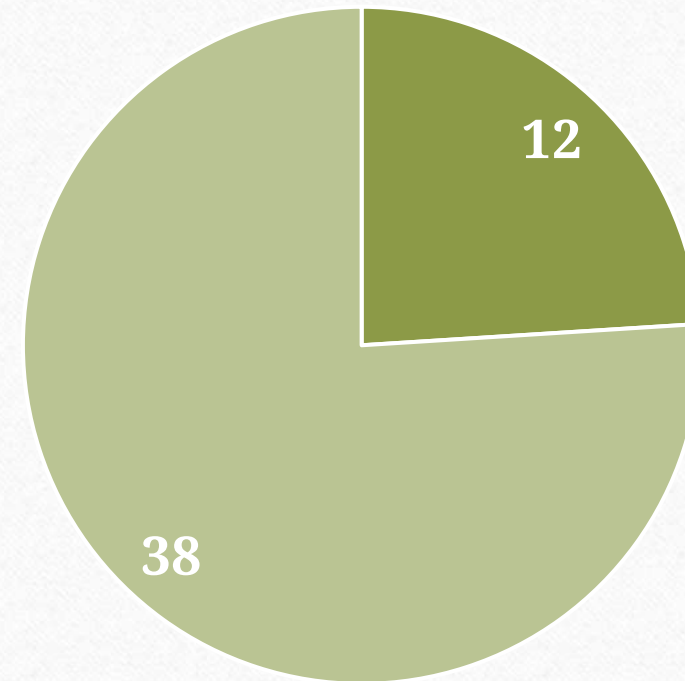
- Other legal, political, and other factors that influence what is and is not made part of mandatory curriculums



Subpart C: Current State of Black History Education

- Overview of states with laws making black history part of mandatory K-12 school curriculums vs. those without
- Discussion of research regarding quality, accuracy, and robustness of existing K-12 black history education curriculums

States with a K-12 Black History Mandate as of 2022



■ Mandate ■ No Mandate

Key Source: Oberg and NMAAHC Study

- Practiced communicators of Black history, i.e. teachers who are comfortable with, passionate about, and believe in the importance of Black history topics, are able to dedicate 8-9% of lesson time to Black history during the academic year
- State Black history education standards “are as idiosyncratic as the states they represent”

Part II: Strategies to Improve & Expand Black History in K-12 Curriculums

Subsections

- A. Local Advocacy for Black History Curriculum Mandates
- B. Working Towards Black History Curriculum Mandates in All Fifty States
- C. Advancing Federal Efforts to Expand Black History Education in K-12 Curriculums
- D. State and Local Advocacy for Accurate and Inclusive Historical Narratives in Implementation of Curriculums

Subpart A: Local Advocacy for Black History Curriculum Mandates



Case Study: City of Philadelphia

- Requires all students to take a year-long course in African American history in order to graduate
- Efforts in Philadelphia can serve as a model for advocacy in the jurisdictions of other local boards of education

Subpart B: Working Towards Black History Mandates in All Fifty States

- Advocacy for all 50 states to make black history a mandatory part of curriculum will help expand and improve black history education in K-12 curriculums
 - Though there are critiques on the effectiveness of laws mandating black history education, the laws ultimately have a positive impact
 - Discussion of critiques – these mandates have limited ability to ensure truthful narratives
 - Counterpoints – symbolic significance & guarantee of class time

Subpart C: Advancing Federal Efforts to Expand Black History Education in K-12 Curriculums

- Two bills were introduced this year that aim to expand Black history education in K-12 curriculums
- Initiatives to raise public awareness and support for these bills will positively impact Black history education in K-12 curriculums



Subpart D: State and Local Advocacy for Accurate and Inclusive Historical Narratives in Implementation of Curriculums

- Curriculums and how they are implemented are often controlled at the state and local level, so state and local advocacy are key in working towards accurate and inclusive Black history education narratives
- In local arenas, success can be determined simply by who shows up, and so mobilizing support at the local level can be effective
- However, local textbook selection has often historically been a controversial battleground and even at the local level, barriers exist

Part III: Barriers

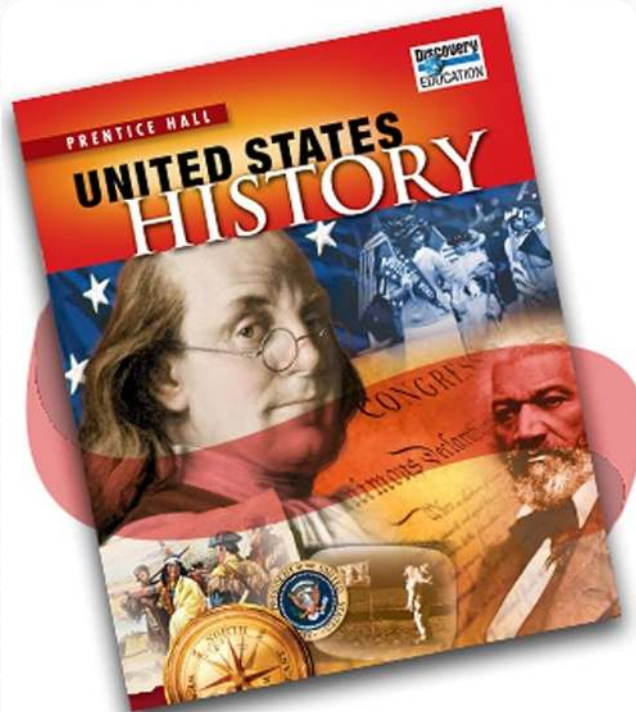
Subsections

- A. Culture Wars: Anti-DEI Movement and Critical Race Theory (CRT) Bans
- B. Limits of Law and Policy: Textbooks and the Battle of Narratives
- C. Time and Resource Constraints Limit Inclusion of Recent History in K-12 Curriculums

Subsection A: Culture Wars: Anti-DEI Movement and CRT Bans

- Discussion of the Anti-DEI movement and CRT bans at the federal level
 - Policy agenda of current administration
 - Impacts of Jan. 2025 Executive Order: Ending Racial Indoctrination in K-12 Schooling
- Discussion of the Anti-DEI movement and CRT bans at the federal level
 - States with current CRT bans
 - Case studies: Florida, Texas, Virginia

Subsection B: Limits of Law and Policy: Textbooks and the Battle of Narratives



- A key issue is that even in states where black history is part of the mandatory curriculum, the historical narratives taught often distort, downplay, or selectively teach the history of black oppression
- Though there are more textbooks and resources available to teachers today that present more accurate narratives, new resources are still being created and pushed that echo problematic narratives of the past

Subsection C: Time & Resource Constraints Limit Inclusion of Recent History in K-12 Curriculums

- Many who do not support modern racial justice initiatives operate under the erroneous assumption that systemic racism is no longer an issue, and that policies and laws aimed at equity are themselves racist
- Though there are many recent examples of inequitable or racist policies, and inclusion of these recent examples in black history curriculums can help dispel assumptions that systemic racism is no longer an issue, many teachers lack time and resources to cover more recent history in general, and more recent black history specifically

Part IV: Strategies to Overcome Barriers

Subsections

- A. Lessons From Germany in Overcoming Cultural and Social Resistance
- B. Garnering Support for Federal Bills
- C. Mounting Legal Challenges to State Laws Limiting Black History Education

Subpart A: Lessons From Germany in Overcoming Cultural and Social Resistance

- Discussion of Germany, German Holocaust Education, and U.S. Holocaust Education



Subpart B: Garnering Support for Federal Bills

- The issue of lack of time and resources can be addressed through mandatory curriculums, as items included in mandatory curriculums are guaranteed class time
- Research on the current state of Black history education, post-BLM movement, will better inform efforts

Subpart C: Mounting Legal Challenges to State Laws Limiting Black History Education



- Many scholars are developing legal theories to challenge CRT bans, and mounting challenges when the times is right can help remove these barriers

Conclusion

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- There are many challenges to overcome to increase public awareness of histories of oppression of black folks in the U.S., but consistent efforts over time have made significant progress
- With continued efforts, progress is still possible, and the strategies presented here are effective methods for improving the proliferation of robust, accurate, and inclusive black history education in K-12 school curriculums