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March 17, 2022

Cedarburg School Board
c/o Todd Bugnacki, Superintendent
W68 N611 Evergreen Boulevard
Cedarburg, WI 53012

RE: Recent Challenge to Diverseness of Cedarburg Curriculum

Dear Superintendent Bugnacki and Cedarburg School Board Members

We have been following reports regarding a recent complaint against the Cedarburg School District alleging that its curriculum is not diverse enough. The complaint alleges that the district “is discriminating against its diverse students” by not providing a “diverse and representative” curriculum. Its allegations are vague and unsupported by evidence. It advocates for the Cedarburg School District to teach that racism is systemic. And it demonstrates a blatant misunderstanding of what Wisconsin law requires, and what it does not.

As the Cedarburg School District continues to navigate this challenge to its curriculum, this letter serves to clarify what applicable state law requires.

Advocacy for Critical Race Theory Disguised as Concerns about Curriculum

We have been noticing a trend that involves challenges to school district curriculums and whether curriculums include not only enough about race and related matters of cultural diversity, but also that these topics are treated in accordance with a particular ideology. Schools should absolutely continue to teach all of American history, including topics ranging from the existence of slavery to the substantial contributions of racial minorities to American culture and success. But these curriculum challenges go well beyond this, seeking to advance certain political concepts derived from Critical Race Theory and related ideologies.

One such concept is often referred to as “systemic racism.” While this concept is rarely defined in non-circular terms, it tends to be a *totalizing* (racism is at the core of almost everything) and *racializing* ideology (emphasizing racial essentialism and collective guilt and entitlement). In a variety of ways, children are taught that American society is still fundamentally unjust and one’s race bestows either unearned “privilege” or crippling burden.

Whether or not one agrees with this ideology, nothing in Wisconsin law requires that it be taught. Claims that the Cedarburg School District violates state law by failing to inculcate it are, to be blunt, nonsense. The promotion of the complainants' preferred ideology is not equivalent to or even necessary for an "understanding of human relations, particularly with regard to American Indians, Black Americans and Hispanics." Wis. Stat. § 118.01(2)(c)(8). It is not equivalent to or necessary for "teaching about 'racial issues,'" nor is it equivalent to or necessary for "reflecting the cultural or pluralistic nature of American society." Wis. Stat. § 121.02(1)(h). Of note, the Cedarburg School District was alleged to have violated each of the above-referenced Wisconsin statutes.

To the contrary, if taught in certain ways, an ideology that advances notions of racial guilt and entitlement might itself violate nondiscrimination laws by creating a hostile racial environment.

Cedarburg School District Investigation and Response

We are aware that the Cedarburg School District conducted an investigation of its curriculum and found that there were no violations of state or federal law. Similarly, it found no violations of Board policy prohibiting discrimination. We commend the district for its stance that it has not violated any pertinent law or policy. It has also come to our attention that the local group that brought the complaint, Bridge the Divide, has recently appealed the decision to the Wisconsin Department of Public Instruction (DPI).

We are concerned that even though the Cedarburg School District concluded its curriculum is in compliance with state and federal law and Board policies, it nonetheless seemed to agree with Bridge the Divide in some respects.

For instance, the Director of Curriculum & Instruction, one of the individuals that conducted the investigation, indicated "efforts are underway to fortify" certain areas. He specifically noted that "attention will be given to enhancing both professional resources for teachers, student primary resources and professional training, in the areas of American Indians (especially Wisconsin American Indian tribes), Black Americans and Hispanics." This was conceded despite finding that the district "foster[s] an appreciation and understanding of different value systems and cultures as shown through the course samples and the instruction being provided[.]"

While not all additional resources would be objectionable, Bridge the Divide asserts that "the district is discriminating against its diverse students and violating state law by failing to provide an appropriately diverse curriculum." As an initial matter, it is not clear what Bridge the Divide means by the phrases "appropriately diverse curriculum" and "diverse and representative curriculum." More importantly, Bridge the Divide offers no examples to support its allegations. Although two pages attached to the complaint include quotes by unnamed community members, each

quote is essentially an overarching and vague criticism rather than a specific example of any deficiency in curriculum as related to racial diversity. Ultimately, the response by the district, that “[t]here are areas where the District needs to make additional efforts to meet the spirit of the statutes and policies in question,” is unnecessary and concerning.

Additionally, Bridge the Divide states that it sent an email about “avoiding stereotypes, tokenism, and coded language.” It provides no specific examples. It claims to have urged members of the community to educate themselves in order to create “a deeper understanding of the root cause and potential solutions to racial tensions . . .” Not only is the “root cause [of] racial tensions” subjective, this paragraph by Bridge the Divide goes on to allege additional unsupported assertions. It claims that Cedarburg students “are exposed to incorrect historical facts, lack discussion on diversity, or worse, the exposure [to the history and lives of people of color] is nonexistent.” Again, the group provides no evidence or examples.

Last, the complaint includes a quote by Cedarburg High School graduate who appears to blame the high school for not making the student “woke” or “anti-racist” enough. The student feels compelled to “address the harm I have unintentionally caused . . . as a result of my ignorance about the history of race in America.” The student goes on to claim that Cedarburg High School is “failing each of the students [it] graduate[s]” by refusing to educate them “about the racist history of their own country and of their own community.” Wisconsin law does not require schools to teach a racialized ideology and may, under certain circumstances, prohibit doing so.

As you know, Bridge the Divide has filed an appeal of the district decision finding no violation of applicable law. No report has been issued by the DPI to date.

Conclusion

In Wisconsin, school districts select their own curriculum. While Cedarburg is certainly free to amend or add to its curriculum, it need not make any changes as a result of the Bridge the Divide complaint and appeal. Specifically, it need not teach a highly politicized and contested view of history and of race and, depending on how it is executed, may even be forbidden from doing so.

It would be inappropriate and unwarranted for the DPI to find that the Cedarburg School District curriculum fails to comply with state law as it relates to teaching about race and matters of cultural diversity. Similarly, it would be an overreach for the DPI to mandate wholesale changes to the Cedarburg School District curriculum under Wis. Stat. § 118.13. We will be watching for the response by the DPI and are hopeful that it will find no corrective action is required.

Sincerely,

WISCONSIN INSTITUTE FOR LAW & LIBERTY, INC.



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