

A Glimpse into US Federal and State Policies on Diversity and Equity in Education

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“Not everything that is faced can be changed, but nothing can be changed until it is faced.” James Baldwin (1962)

I’ve been telling people around me it feels like the “twilight zone” in the United States. A bad Twilight Zone episode (a science fiction television program from the 1960s), in which Civil Rights laws are slowly being reversed and dismantled, the Voting Rights Act (1965) is toothless, and rhetoric regarding immigrants from campaigns in the 1920s is being used in contemporary contexts. This quote from James Baldwin is as true in 2026 as it was in 1962. In this essay, I unpack recent United States education policies that impact early childhood through higher education contexts, providing a summary of specific legislation enacted in five distinct states.

I began this journey of facing systemic racism when I was 12 years old, living in Oklahoma in the 1990s, where I first encountered other students saying racist slurs directed to me. Middle school is hard enough without encountering racism. At two different schools in Oklahoma, students told me to “Go back where you came from, nigger.” The encounters in Oklahoma were a surprise to me after having lived in California and New York. I currently see my experiences in Oklahoma as preparation for pervasive attitudes in 2026. I moved often as a child and young adult, living and working near Indigenous communities where my father was a physician. Oklahoma was only the beginning of my experiences with racism in school.

One of the reasons I chose education as a career was because of the lack of support from my teachers. They failed to help me and others who were facing racism from the school, even though it was rampant.

In this essay I discuss how both state and federal policies are affecting a sample of the states where I went to school, lived, and taught (California, Oklahoma, Alaska, Texas, and Florida). These states would have been remarkably different experiences for me if the current laws had been in place when my parents and I lived there. These states have legislated laws against teaching about race, class, sexuality, ethnicity, and gender not in response to federal mandates, but on their own at this moment. Here is a battle regarding racial equity in education on both the federal level and state levels. That battle isn’t only about policy, it is political.

Federal policy

The recent enactment of anti-DEI/CRT legislation (Ellis, 2025; Alfonseca, 2024; Ballen et al., 2025), coupled with book bans (Goncalves et al., 2024), and other state-level restrictions on university and school curricula, have created a significant divide between Republican and Democratic states and among many Americans. Furthermore, President Donald J. Trump’s attempt to bring these restrictions to a federal level by ending federal grants supporting this type of work exacerbates this divide (Exec. Order No. 14151, 2025; Exec. Order No. 14173, 2025).ⁱⁱ These executive orders revoked Executive Order 11246 written by President Lyndon B. Johnson in 1965, which made it illegal for federal contractors to discriminate based on race, color, religion, sex or national origin, and later expanded to include sexual orientation and gender identity. Recent policies have led to

the closing of programs, assault on culturally inclusive curricula, and even firing of faculty.

The Trump administration's agenda to "sanitize" history, weaken civil rights and equity programs, and enact xenophobic immigration policies are clear¹. I include xenophobic executive orders, as these affect who is at the table in education and what we learn (Lee, 2019). This divide worsens the elitism of dominant cultural knowledge and education, denying access to critical historical narratives from the minoritized population.

On February 14, 2025, the U.S. Department of Education sent a letter which stated that if Pre-K-12th grades and colleges and universities have what the government considers diversity, equity and inclusion (DEI) language and programs that the federal government will take away its funding from the institutions (United States Department of Education Office of Civil Rights, 2025). Thankfully, at the time of this writing, Trump's Department of Education ended its bid to appeal the decision that it cannot stop funding schools and colleges if they teach what it calls DEI programs but it has already done much damage within universities and school districts due to pre-compliance and states creating their own vague anti-DEI/CRT laws. Many universities in more conservative states have ended programs and changed names of anything that includes diversity, equity, and inclusion in the title. The Trump administration has cut funding to much needed programs because they hinted at DEI, and the current Supreme Court has allowed those cuts to continue.

The Trump Administration's goal of dismantling the US Department of Education is also troubling, including for families of children with disabilities. This action puts great fiscal and legal burden on the states, and creates an even more divided union with each state interpreting civil and educational rights. There are parents' and students' rights under the umbrella of the US Department of Education that must be protected. I briefly summarize related education policy in five states in the following sections.

California

In 2021, California passed a law that all schools in the state must teach ethnic studies as a high school graduation requirement by 2030. However, the ethnic studies mandate was not included in the 2026 state budget and school districts cannot fully implement it without the funding (Barzizza, 2026). California has a large and diverse population, much of it is segregated both by race, ethnicity, and class (Pfleger & Orfield, 2025). California also has a long history of xenophobia and racism, and faces challenges because of its history and current policy debates (Chattel slavery, 2024; Smithsonian Institution, n.d.; Beasley, 1919).

A high population state with competing ideologies, California has generally resisted the Trump Administration's attempts to end Diversity, Equity, and Inclusion (DEI) in education in the state, but that is not without strong fights. Conservative communities have attempted to fight back against the state, including attempts to ban Black History Month, Women's History Month, etc. The Trump administration also brought lawsuits and financial threats to California universities (Seshadri, 2023).

Oklahoma

Oklahoma signed a law (HB 1775) in 2021 that prohibits public schools from teaching Critical Race Theory, defining CRT as the "teaching that any individual is inherently racist, sexist, or oppressive, or bears responsibility for past actions of their race/ sex." The Oklahoma governor wrote Executive Order 2023-31, stating that state funds cannot

be used for diversity, equity and inclusion training and initiatives. The state Senate also passed Senate Bill 796 which prohibited schools from requiring diversity and equity statements on job applications and disclosing pronouns. In 2022, the state found that Tulsa and Mustang Public Schools were in violation of HB 1775 and gave the school districts an accreditation warning (Korth, 2022). The enactment of these laws is confusing because they say you can teach “accurate” history, but history is full of moments of inequity, inequality, and racism which creates a culture of self-censorship. Recently the governor also signed an executive order ending most tenure at state community colleges and universities, while allowing the state universities to keep tenure for their already tenured faculty (Stitt, 2026).

Alaska

The biggest response that Alaska has given to the pressure of the Trump Administration has been to attempt to eliminate what they are calling DEI language from the University of Alaska system (Smith, 2025; Smith, 2026). There are several lawsuits to block the order, but the Board of Regents hasn't reversed its policy, even though the executive order was struck down. As of 2024, Alaska Native/American Indians comprise of 15% of the state population, but in 2025 make up less than 1% of doctorate recipients and American Indians/Alaska natives have the lowest college-going rate (25%) of any racial or ethnic group in the United States (Alaska Department of Labor and Workforce Development, Research and Analysis Section, 2026; American Indian College Fund, 2026). Indigenous groups were exempted from the Trump Administration's threats, but the threats still had the desired effects of fear and self-censoring.

Texas

Texas preemptively legislated state laws that were targeting what they called DEI/ CRT programs. They defined DEI and CRT as:

blatant efforts to divide people [that]are just new forms of racism often weaponized in reverse and rooted in that idea that a person may be inherently good or bad, the oppressed or the oppressor, based on racial identity; and whereas, by promoting ideas like inherit bias, collective guilt, racial superiority, cultural appropriation, and other similar notions, such racist efforts seek to establish creditor and debtor races, inherently antithetical to a society in which ‘all men are created equal’ (Abbott, 2025).

While I was going to school in Texas a white secretary at the University of Texas Tyler told me about the Tulsa Race Massacre and other race riots/massacres in the South. During our six-year residence in Tulsa, Oklahoma, we remained unaware of the Tulsa Race Massacre, which is widely regarded as the most severe instance of racial violence in American history. In eighteen hours on May 31 and June 1, 1921, more than a thousand homes and businesses were destroyed, and the estimated death toll ranged from 50 to 300. The state's second-largest African American community was burnt to the ground (U.S Department of Justice, 2025). That secretary was unique and I appreciated her knowledge. Teachers and professors have been fired in Texas for their work on diversity and equity, and they too run into the challenge of ambiguous laws that limit what can be taught in the classroom.

Florida

Florida was another state that preemptively tried to ban concepts of DEI and CRT in education. First with the Stop WOKE Act (HB 7-2022), then with Senate Bill 266 (2023). HB 7-2022 defined violation of the law being:

subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels constitutes discrimination based on race, color, sex, or national origin (2022).

Thankfully, in 2024 the Stop WOKE Act was thrown out in court, although much of the damage was already done. But Senate Bill 266 (2023) is still being implemented in the state, which defunds DEI offices at higher education institutions in Florida, teachers and university instructors are required to show their lesson plans to lawmakers in advance of teaching, and it ended DEI statements in job applications and allows for post-tenure review of faculty.

Florida is the fourth largest state in the United States and has some of the oldest settlements in United States. There are a history of slavery and the Civil Rights of the 1950s-1960s in Florida. School districts in Florida still had desegregation orders late into the 2010s (desegregation became federal law for all schools in 1955 with *Brown v. Board of Education*) which is ironic they have some of the oldest magnet schools in the country that were created to directly desegregate. One of their schools in Stanton Preparatory Academy originated as a school created by the Freedman's Bureau (the Freedman's Bureau was created by Congress after the Civil War to support poor white people and recently freed enslaved African people) (Stanton, 2026).

In 2023, Florida became the first state to endorse PragueU curriculum in the social studies. The significant point of this is PragueU has lessons that slavery was an apprenticeship for the enslaved and taught them life skills, another lesson stated that Martin Luther King, Jr. couldn't have existed because no one like him has come after him, and other lesson says there is no such thing as "stolen land", and the "morality of conquest" (Sheridan, 2023). Sanitizing history doesn't take away the reality of the effects of that history.

Conclusion

Current US state education laws are vague and confusing because their definitions of CRT and DEI are vague as well as discriminatory. This encourages self-censoring and hampers academic freedom with a regime of internalized discipline (Foucault, 1977). School is a micro-society (Dewey, 1916 and site of discussing a range of challenging issues from a historical and factual perspective. While college or university is typically the first-place students learn about the history of ethnic studies and more nuanced or critical parts of history, K-12th grade schools are typically the first setting in which students meet other students with different values, morals, culture, and lifestyles. The role of schooling from the beginning was to make "good citizens" and there is still an element of teaching citizenship in schools (Dewey, 1916; Apple & Beane, 2007), but in these times we witness competing ideas of what that means and rather than approaching difference with curiosity, we are being told to approach it with fear and exclusion.

There is also a dominant discourse in the United States that to talk about issues of slavery, racism, xenophobia, etc. is to speak negatively about the nation as a whole or signals that one is living in the past (Lee, 2019). These laws and this administration are attempting to codify an historical attitude that keeps people ignorant and more pliable constituents and it cements the fiction of colorblindness. If you do not know about the rights that others have fought for, then who is obligated to defend those rights if they are taken away?

There are several lawsuits against both the Trump Administration's and the states' executive orders, but the power for lasting change lies with the people. I argue that our role as educators and scholars is crucial in this moment of uncertainty and fear. Educators have an opportunity to work with the community and their students in critical ways. People are suffering from the laws that are intended to end the democratic rights of minoritized communities, as well as what counts as truth or knowledge. We have the opportunity to teach the next generation a new way of thinking which will help determine whether perspectives broaden, with more understanding and wonder and the ability to imagine what has never existed, rather than fear the unknown and disdain for the "other."

References

Note: All executive orders, government reports, and newspaper article references are found at this link: https://docs.google.com/document/d/11vMZ0cLP5C-6oaDKg6OznMstZ4qv73Q6sV99BYhMD_8/edit?tab=t.0

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ⁱⁱ All executive orders, government reports, and newspaper article references are found at this link: https://docs.google.com/document/d/11vMZ0cLP5C-6oaDKg6OznMstZ4qv73Q6sV99BYhMD_8/edit?tab=t.0