



Written by [James Murphy](#) on October 9, 2020

Virginia School Board Pauses Plan to Punish Teachers who Criticize Critical Race Theory

The Loudoun County Public School system is tabling a plan for a new speech code that would punish any teacher who might criticize the system's Critical Race Theory inspired racial equity plan. The school board was scheduled to vote on the new language in its Professional Conduct policy on Tuesday, but that policy has been removed from the next meeting's agenda amid backlash from parents and teachers.

The new speech code would ban employees of the school system from criticizing the district's "commitment to action oriented equity practices" in all forms of communication whether on school district property or not.



Photo: pick-uppath/iStock/Getty Images Plus

The draft of the new policy reads: "Employees are expected to support the school division's commitment to action-oriented equity practices through the performance of their job duties, as the Division engages in the disruption and dismantling of white supremacy, systemic racism, and language and actions motivated by race, religion, country of origin, gender identity, sexual orientation and/or ability."

School district employees who witness any of the banned behavior or speech are also required to "notify their supervisor immediately."

According to [Hans Bader](#), a former attorney for the Department of Education, the new policy effectively bans the district's teachers' right to free speech, at least as it concerns possible disagreements with Loudoun County School District.

"The draft policy bans speech 'undermining the views, positions, goals, policies or public statements of the Loudoun County School Board or its Superintendent when such comments or conduct create the reasonable apprehension of a disruption or disrupt' its efficiency. This is also a viewpoint-based vague restriction on speech, punishing disagreement with the County's 'views' and 'positions,'" Bader wrote.

While paying reluctant homage to the First Amendment, the policy also insists that the school district's interest may trump an employee's First Amendment rights.

"Nothing in this policy or any other policy shall be interpreted as abridging an employee's First Amendment right to engage in protected speech, however, based on an individualized inquiry, speech, including but not limited to via social media, on matters of public concern *may be outweighed* by the school division's interest," the policy proposal reads. (Emphasis added.)

The Loudoun Education Association (LEA), which represents the teachers of the district, was understandably worried about the First Amendment implications of the new policy on its members. At a Monday meeting with LEA president Sandy Sullivan, the school system claimed that the confusion with



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the new policy was all a misunderstanding caused by poor wording in the document.

“Going through a conversation with [the school board], it sounded like the policy seems not as harsh as it was at first reading,” Sullivan said. “It needs to be clear that people shouldn’t have to ask questions to understand what the policy means. Employees should be able to pick up the policy and read it and understand what the expectations are.”

The confusing language in the draft policy has caused the school board to delay implementation of the new policy for the time being. It was originally expected to be implemented as soon as October 12.

Parents are also concerned about the radical new free speech quelling policy as well as the district’s complete embrace of Critical Race Theory (CRT), which posits that America and its systems are based on so-called white supremacy and that the nation is racist to its core. Since 2018, the Loudoun County Public School District has [spent](#) over \$400,000 on CRT inspired training for its staff.

“The board and the superintendent have already passed this ‘Comprehensive Racial Equity’ plan unanimously,” said Scott Mineo who runs [Parents Against Critical Theory](#), an organization dedicated to eradicating CRT from schools. “Even if this proposal to punish teachers fails, I don’t think for a minute that they don’t have something else radical and unconstitutional up their sleeves.”

Investigative journalist Christopher Rufo has preemptively [offered](#) legal representation to any teacher in the district who might wish to challenge the new policy should it be enacted.

“Attention Loudoun [sic] County teachers: I have an elite law firm that wants to represent you in a lawsuit against Loudoun County Public Schools. We can stop critical race theory dead in its tracks.”

After President Trump issued an Executive Order last month banning the teaching of CRT in any program that receives federal funding, some school districts and universities have backed away from the divisive ideology, at least publicly. Perhaps, with some time to reflect on the implications of having no federal money flow to the system, so will the Loudoun County Public School system.



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