



**National Association
for Music Education**

Divisive Concepts Laws and Music Education: Quantitative Follow-Up Study

A Report for the National Association for Music Education

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Executive Summary

Background

Divisive Concepts Laws (DCLs) are legislative and executive actions that seek to restrict teaching, professional learning, and student learning in K–12 schools and higher education regarding race, gender, sexuality, and U.S. history ([Young & Friedman, 2022](#)). Since summer 2021, 22 states have adopted such restrictions (see this [legislative tracker](#)), and school districts and counties in other states have followed suit. In 2023, the National Association for Music Education (NAfME) released a report ([Salvador et al., 2023](#)) with information on DCLs, results from a qualitative survey of music educators, and resources for affected music educators. Survey respondents ($N = 315$) indicated that DCLs were impacting music education by limiting curriculum and pedagogy, changing student experiences/perceptions, and affecting music educator experiences. In response to this information, Salvador and Shaw ([2023](#)) published a blog with advice for music educators on navigating DCLs.

Current Survey

For this report, we surveyed NAfME members again (one year after the first survey). This time, we used a quantitative method, deriving questions from responses to the first survey. Participants ($N = 645$) reported similar impacts on music education as those in the first survey, but the method we used for this follow-up allows us to report these results as percentages.

Findings Overview

- Many respondents are unsure or not knowledgeable about DCLs.
- About 75% of respondents consistently opposed DCLs across a variety of survey questions.
- NAfME members remain strongly polarized on this topic—the minority who support DCLs made strong comments in open-response items.
- NAfME members continued to report that DCLs are limiting their repertoire, curriculum, and/or pedagogy (30–38% of respondents), and 61% said that DCLs are confusing or difficult to interpret.
- Respondents indicated that students feel targeted by DCLs, that students feel less safe at school due to DCLs, and that students are more likely to express hateful attitudes (e.g., regarding race, sexuality, or gender identity) due to DCLs.
- About half of respondents said that DCLs make it harder to teach and that DCLs are raising their levels of stress or burnout.
- About 30% of respondents fear being reprimanded, suspended, fired, or sued due to DCLs.
- About 20% of respondents are discouraging young people from becoming teachers due to DCLs.

Recommendations

- Continue to provide information about DCLs as well as education and resources for how affected music educators can persist in providing varied musical educations that meet all students' musical needs in cultural, ability-based, and social-emotional domains.
- Continue to resist rhetorics that marginalize student and teacher groups, actively maintaining NAfME's mission to be a *collaborative community that supports music educators and advocates for equitable access to music education*.
- Continue to support music educator resilience and wellbeing, advocating for professional trust and respect for educators and safe and healthy working conditions.
- Connect information from this report to NAfME's Music Teacher Profession Initiative, noting that DCLs are a reason that some teachers are discouraging young people from teaching.
- Promote the amazing, positive, wonderful music-making that is happening in schools all over the United States every day, reminding educators how much we value them and underscoring the importance of their work creating inclusive and welcoming music educations.

NAfME's History with Divisive Concepts Laws

The National Association for Music Education (NAfME) is a nonpartisan organization whose mission is to be a *collaborative community that supports music educators and advocates for equitable access to music education*. In summer 2021, when the first DCLs took effect, NAfME's National Executive Board (NEB) started hearing concerns from members and member organizations (e.g., groups within the Society for Music Teacher Education) that DCLs could have adverse impacts on music education and educators. Members voiced these concerns frequently enough that in summer 2022 the NEB authorized Karen Salvador to prepare a report with three purposes: (1) describing how other professional education organizations were responding to DCLs, (2) finding out how (if at all) NAfME members were impacted by DCLs and offering brief impact stories, and (3) curating resources that might help those who were affected.

The NAfME DCL report was completed January 30, 2023, and released as a [town hall webinar](#) and [published resource](#) in March 2023. The survey portion synthesized 136¹ responses to one question: "In a few sentences, please outline how the divisive concepts laws/policies in your state or district are affecting you and your music teaching." Respondents indicated that DCLs were limiting some NAfME members' repertoire selection and pedagogical choices—not because respondents thought repertoire or pedagogy violated DCLs, but because of the vagueness of DCLs, the inconsistency with which they were interpreted and enforced, and fears about repercussions. Moreover, respondents reported DCLs were affecting music educator recruitment and retention at a time and in places already plagued by teacher shortages. Responses were polarized, with a vocal minority of participants supporting DCLs. Given the findings in this survey and the fact that legislators, governors, and superintendents continued to enact new DCLs after we collected data (October 2022), the NEB authorized a follow-up survey.

Defining Divisive Concepts Laws

Before presenting how we collected data and what we found in this survey, it is important that readers understand how we are defining Divisive Concepts Laws (DCLs). DCLs are legislative and executive actions that seek to restrict teaching, professional learning, and student learning in PK–12 schools and higher education regarding race, gender, sexuality, and U.S. history ([Salvador et al., 2023](#)). Various organizations refer to similar legislation and policies using a variety of names, including (in alphabetical order) [Discriminatory Censorship Laws](#), [Educational Gag Orders](#), [Educational Intimidation Bills](#), and [Parent-Rights Legislation](#). DCLs affect about half of American public-school students and can create hostile learning environments and miseducation (see [this report](#)).

The term *Divisive Concepts* predominantly derives from President Trump's September 22, 2020, [Executive Order No. 13950](#), "Combatting Race and Sex Stereotyping," which prohibited a list of "divisive concepts" in training for federal employees and contractors. The content of that executive order has since been adopted or adapted by legislatures and other political bodies across the country, and in that process many people advancing these laws and policies adopted similar language to the Executive Order. The language "divisive concepts" references the idea that topics like race, meritocracy, history, gender, and LGBTQ+ issues and identities are divisive and should be avoided. In media, scholarship, and legal discourse, *Divisive Concepts Laws* is a common term for laws and policies that attempt to limit instruction on these topics, so we used DCLs throughout this (and previous) research regarding the impacts of DCLs on music education.

¹ The 2023 report focused on responses from the 136 respondents (out of 315) who lived in states with DCLs at the time of the survey. For analysis of all responses, see Salvador, K., Bohn, A., & Martin, A. (2023). Divisive Concepts Laws and music education: PK-20 music educators' perceptions and discourses. *Arts Education Policy Review*. Prepublished December 1, 2023. <https://doi.org/10.1080/10632913.2023.2286598>

Follow-Up Survey Method

After the follow-up survey was declared exempt from human subjects review, we sent an invitation to all NAFME members, requesting that they fill out an online, anonymous survey. This invitation went out via email on November 1, 2023, and was followed by three reminders to participate. The survey began with questions about participants' location (state) and teaching assignment (content areas and grade levels). Then, participants rated their level of agreement² with statements we derived from responses to NAFME's first DCLs survey (Salvador et al., 2023). These statements focused on three broad areas: (1) DCL impacts on curriculum and instruction, (2) DCL impacts on students, and (3) DCL impacts on respondents (educators). The survey concluded with demographic questions (age, gender, race, sexual orientation).

Respondents

We received 645 useable responses from all 50 states and Washington, DC, with the most responses from Florida (39), Ohio (38), New York (34), Georgia (32), North Carolina (31), Pennsylvania (31), California (28), and Virginia (25). Respondents taught a variety of grade levels and content areas (see Tables 1 and 2). While we did not ask about years of experience teaching, respondents skewed older within the music educator population, with 6% indicating they were 20-29 years old, 19% selecting 30-39, 31% selecting 40-49, 25% selecting 50-59, 17% selecting 60-69, and 3% selecting 70 or older.

Table 1

Grade levels

	<i>n</i>	%
Early Childhood	50	4.8
Elementary	261	24.9
Middle School	312	29.7
High School	318	30.3
College/University	108	10.3

Note. Participants could check all that apply.

Table 2

Content areas

	<i>n</i>	%
Band (traditional, e.g., marching, concert)	270	16.4
Band (modern, e.g., rock/pop instruments)	75	4.6
Choir	284	17.3
General Music	313	19
Guitar	74	4.5
Jazz	110	6.7
Orchestra	110	6.7
Piano/Keyboard	69	4.2
Songwriting/Composition	34	2.1
Music Technology	57	3.5
Music Theatre	69	4.2
Music Theory	104	6.3
Other	76	4.6

Note. Participants could check all that apply. "Other" responses focused on applied instruction, music appreciation, "world music," special education, and higher education.

² By selecting "strongly agree," "somewhat agree," "somewhat disagree," or "strongly disagree."

Survey Results

In the first set of questions, we asked about respondents' familiarity with DCLs. Nine percent of respondents who completed the survey³ had never heard of DCLs, 10% were unsure, 61% reported some familiarity, and 21% said they were very knowledgeable. We asked if respondents had a state-level DCL where they lived, and 44% were unsure. During analysis, we noticed inaccuracies among "yes" and "no" responses regarding whether participants lived in a state with a state-level DCL. We therefore used the [PEN America Index](#) and the state each respondent reported as their residence to create Table 3, which shows how many respondents thought there was a DCL in their state and whether their response was accurate. Less than half of respondents correctly identified if they lived in a state with (a) DCL(s).

Table 3

Accuracy of respondent awareness of state-level DCLs

	<i>n</i>	%
Yes (correct)	139	21.7
Yes (incorrect)	28	4.3
Unsure (state with DCL)	102	16.1
Unsure (state without DCL)	179	27.9
No (correct)	169	26.7
No (incorrect)	25	4

DCL Impacts on Curriculum, Materials, and Pedagogy

We asked participants about ways that DCLs were impacting their instruction. In Table 4, the left column is the percentage of all respondents who somewhat or strongly agreed with the statement in the center, and the right column is the percentage of respondents in states with DCLs who somewhat or strongly agreed. About 42% of respondents lived in a place with a state-level DCL (as defined by [PEN America](#)) at the time of the survey.

³ We had more than 950 total responses, but many answered this question with "never heard of them" and then dropped out of the survey. Those responses were not sufficiently complete, so we did not include them in the analysis.

Table 4*DCL impacts on curriculum, materials, and pedagogy*

All Responses (% somewhat or strongly agree)		Responses from states with DCL (% somewhat or strongly agree)
30	DCLs limit my choices for repertoire or other materials	34
33	DCLs limit my pedagogical choices (e.g., SEL, CRP ⁴)	38
39	I teach music so DCLs do not affect my curriculum or methods	44
61	DCLs are confusing or difficult to interpret	61
23	DCLs help my instruction by taking extraneous topics off the table	24
89	I have autonomy to teach content I select (within curricular guides) using methods my students need	88
56	I refuse to change what I am doing, even if I face repercussions	52
27	I am not allowed to talk about gender at school	39
18	I am not allowed to talk about race at school	26
30	I am not allowed to talk about sexuality at school	51
14	My relationships with students are suffering due to DCLs	17
15	My relationships with admin are suffering due to DCLs	15
19	My relationships with parents are suffering due to DCLs	21

After participants responded to the above items, we asked if there was anything else they wanted to tell us about the impact of DCLs on curriculum and instruction. Two hundred thirty (of 645) respondents wrote short answers, which combined to over 9,000 words. When we distilled this data, several main themes emerged. Some respondents communicated that DCLs are not bad, that the respondent agreed with DCLs, that DCLs support parental rights, or that DCLs only limit things music educators should not talk about anyway. These respondents sometimes indicated that they see NAFME as biased or leaning to the political left. Another set of respondents indicated that DCLs limit freedom or are bad for kids. They cited a chilling effect on repertoire selection and pedagogies due to increased interference and surveillance resulting from DCLs and their accompanying political climate (even in states without DCLs). When these respondents gave specific examples, the musics they mentioned limiting were always Black musics (e.g., spirituals, the blues, music from the civil rights movement). A few respondents mentioned the need to teach creatively, pointing out that being aware of the laws allows educators to continue programming diverse repertoire if they give more thought to how and why. Some respondents said they were not yet affected by DCLs but that they felt DCL-related tensions were brewing or that DCLs might be coming soon to their area. For some respondents, the local approach to DCLs (at the building or district level) buffered the impact of state DCLs—local context seems to be an important influence on how DCLs impact teachers, whether that is reducing the impacts of state-level DCLs or having local DCLs in a state that does not have DCLs. Finally, respondents teaching at colleges and universities mentioned challenges in preparing new teachers to be ready for the DCL landscape.

⁴ These abbreviations stand for social-emotional learning and culturally responsive pedagogy.

DCL Impacts on Students

We also asked about the impacts of DCLs on students (see Table 5). It is important to note that we did not survey students; these responses reflect the views of NAFME members teaching in PK-12 and higher education settings. As in the previous section, the left column is the percentage of all respondents who somewhat or strongly agreed with the statement in the center, and the right column is the percentage of respondents in states with DCLs who somewhat or strongly agreed.

Table 5
DCL impacts on students

All Responses (% somewhat or strongly agree)		Responses from states with DCL (% somewhat or strongly agree)
37	Students see themselves as targeted by DCLs	39
33	Students feel less safe at school because of DCLs	35
65	Students are not aware of DCLs	59
31	Students cannot talk with trusted adults about particular topics	39
43	Student access to books and other materials has changed	51
57	DCLs constrain students from learning particular view-points on history, people, and/or society	58
27	DCLs are good for students	29
25	Students are more likely to opt out of performing genres/types of music	25
52	Students are more likely to express hateful attitudes (e.g., regarding race, sexuality, or gender identity) due to DCLs	53
35	Students are more likely to disrupt classes by bringing up "divisive" topics	37

After participants responded to these items, we asked if there are other ways that DCLs are impacting students, and 125 respondents wrote short answers totaling almost 4,000 words. After synthesizing this data, we found many respondents indicated that DCLs were not affecting students for a variety of reasons, including they did not have DCLs in their state or district, an accepting school culture, unwillingness to change content/pedagogy, and the belief that they could teach music without engaging on politics/identity/sociology. Another set of respondents shared concerns that DCLs were impacting kids who already were marginalized at school. The impacts respondents described included mental health challenges, students feeling less safe or supported, distractions from learning, and limited representation of particular student groups within music curriculum. Some participants stated that DCLs were empowering negative attitudes about students with marginalized identities, both in states with DCLs and those without. In contrast, a few participants wrote statements similar to this one: "DCL is GREAT for students and parents alike!" Finally, about a dozen respondents shared their belief that students are different than in the past because of current events and media culture.

DCL Impacts on Educators

When we asked if educators felt personally impacted by DCLs, 38% of 540 respondents to that item selected never, 30% rarely, 25% sometimes, and 7% often. Five percent of 536 respondents had been the subject of a DCL-related complaint, and 3 respondents had been suspended or faced other disciplinary action due to DCLs. When we asked if respondents had considered moving to another district, county, or state due to DCLs, 71% strongly disagreed, 14% somewhat disagreed, 9% somewhat agreed, and 5% strongly agreed. Three respondents said they had already moved due to DCLs. Table 6 presents their responses to additional items.

Table 6
DCL impacts on educators

All Responses (% somewhat or strongly agree)		Responses from states with DCL (% somewhat or strongly agree)
55	DCLs make it harder to teach	53
50	DCLs are raising my level of stress or burnout	48
27	DCLs align with my values	31
26	I am worried about my identity(ies) in relation to the laws	22
29	I'm afraid I'll be reprimanded, suspended, fired, or sued due to DCLs	31
18	I'm afraid to talk about race outside of school	19
19	I'm afraid to talk about gender outside of school	21
19	I'm afraid to talk about sexuality outside of school	21
15	I am considering leaving education profession due to DCLs	19
20	I am discouraging young people from becoming teachers due to DCLs	17

We asked if DCLs were affecting respondents in any other ways, and 116 people wrote short answers (about 4,000 words). Most commonly, respondents explained that DCLs were spilling over to affect the general climate for teaching in a negative way. They described feelings of worry, fear, nervousness, anxiety, and anger, stating that DCLs and the atmosphere surrounding DCLs were raising their general stress level. Some respondents talked about getting into arguments or worrying about voicing their opinion, with a few people stating that they believed DCLs help teachers who do not share progressive views by emboldening them to stand up for their conservative beliefs. Other respondents stated that DCLs were raising their awareness of and empathy for students whose identities are targeted by DCLs. Respondents indicated that the chilling effect on curricular choices affected them personally because it created internal conflicts and that the chilling effects of DCLs extended to their personal speech outside of school.

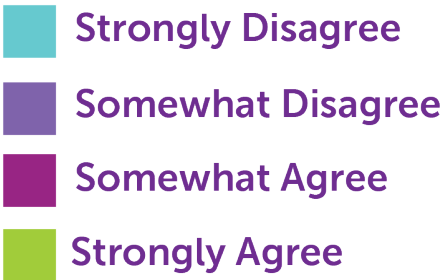
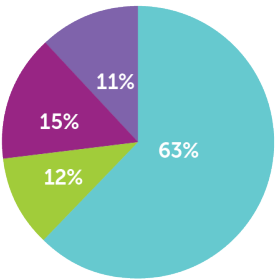
Final Questions

To close the survey, we asked participants to rate their agreement with two statements (see Figure 1). The vast majority of NAFME members who responded to this survey disagree with DCLs and do not think DCLs are necessary. Then, we asked if there was anything else respondents would like to tell us about the impact of DCLs on music curriculum and pedagogy, music students, and/or themselves, and 115 people wrote just over 4,000 words. In most cases, those comments reiterated points that are already apparent in the quantitative and qualitative data presented in this report, so we did not summarize them here.

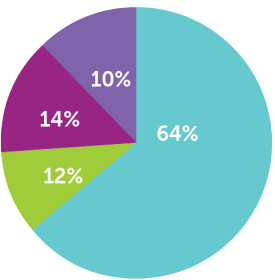
Figure 1

Overall level of agreement with DCLs

"I agree with DCLs"



"I think DCLs are necessary"



One new topic that respondents wrote about was the importance of representation for students from marginalized groups, and how DCLs are reducing this. One respondent wrote,

I feel it's more important than ever to engage with "divisive" concepts for the sake of students' and teachers' wellbeing. A student told me they had considered suicide until they heard me speaking casually about my husband (I am also male), my house, my dog ... totally normal things she didn't think she could have as a lesbian. Representation not only matters; it saves lives.

In a related vein, respondents talked about how important it is to teach the contexts in which musics originated:

Music can be and should be a place where all students feel safe, welcome, and represented. Teaching music well, in my opinion, includes teaching about the context of the music, where it came from, who created it, and why. Sometimes that brings up challenging topics, but school is the right place and a safe place to discuss topics [that are] challenging and learn how to deal with them in thoughtful, inclusive ways.

Respondents also shared concerns about teacher recruitment and retention. One respondent's words represented several people's concerns about recruitment: "This is going to keep beautiful, thoughtful people away from the teaching profession. DCLs are making education less safe for so many people." Regarding retention, several people shared stories similar to this one: "At least two or three local music teachers I know of have basically been pushed out of their jobs because they are part of the LGBTQ+ community and district admin were openly hostile. Rather than fight it, they just quit. Some are no longer teachers." Teachers related that they are discouraging young people from becoming teachers "for a variety of reasons—the largest of which is the minefield that has become the topics mentioned here. It is a completely no-win situation." Several respondents related thoughts similar to the following:

If anything, DCL have made me more committed to remaining in my profession, in my state, and encouraging promising young people to consider becoming teachers. If we do not remain strong in our profession, and encourage the next generation of teachers to do the same, then the architects of DCL will be free to impose their ideologies unchecked. We cannot turn away and allow that to happen.

In contrast, a few respondents stated they are considering leaving the teaching profession because of their concerns about liberal indoctrination.

Several ideas unrelated to the questions we asked consistently emerged throughout the qualitative data in this survey. Many responses had an antipolitical⁵ tone, both in responses that favored DCLs and those in opposition. For example, “Please keep politics OUT OF MUSIC!!! Music is supposed to be the one safe place where students are not bombarded with all these political issues.” Some responses were also blatantly transphobic or homophobic, such as, “There is such a thing as local norms. There is such a thing as deviant lifestyle. There is such a thing as natural consequences. Outside the legal consequences, traditional family values are strongly correlated with balanced mental health.” Finally, respondents made comments about the survey design and about NAFME (e.g., asserting that the survey is biased or that NAFME should not be discussing DCLs).

Discussion and Recommendations

The findings from this survey are similar to the survey we did one year prior, but this time we can use percentages to describe participant responses because we asked the questions differently. Similar to most surveys about teachers’ responses to DCLs, our respondents are polarized in their opinions about DCLs, but not evenly polarized: 75% of NAFME respondents consistently opposed DCLs. The minority who support DCLs made strong comments in open-response items, for example, opposing NAFME’s efforts to promote equity in music education or gather information about the impacts of DCLs on music education. However, many respondents were unsure or not knowledgeable about DCLs, and 61% of respondents somewhat or strongly agreed that DCLs are confusing or difficult to interpret. It is therefore critically important that NAFME and other organizations continue to provide information and guidance on navigating DCLs.

NAFME members continued to report that DCLs are limiting their repertoire, curriculum, and/or pedagogy (30-38% of respondents). This “chilling effect” of DCLs on repertoire, curriculum, and pedagogy is not because educators would be breaking laws to include musics or pedagogies; rather, it is often due to fears about repercussions (about 30% of respondents are afraid they will be reprimanded, suspended, fired, or sued due to DCLs, and in the open responses, educators wrote about selecting repertoire as adding stress and a “losing proposition”). The “chilling effect” seems to especially impact educators’ willingness to program/teach Black musics (e.g., the blues, spirituals, “freedom music”). However, nearly 90% of respondents reported having autonomy to select curriculum and pedagogy within curricular guidelines. Therefore, NAFME and similar organizations should continue to provide education and resources for how affected music educators can persist in providing varied musical educations that meet all students’ musical needs in cultural, ability-based, and social-emotional domains.

One finding of concern that is more prevalent in this current survey than the prior one is that music educators reported that students feel targeted by DCLs, that students feel less safe at school due to DCLs, and that students are more likely to express hateful attitudes (e.g., regarding race, sexuality, or gender identity) due to DCLs. Moreover, participants asserted that DCLs seem to be emboldening hateful attitudes and actions from administrators, parents/caregivers, and other community members toward students whose identities already were marginalized in schools. These findings are similar to the findings in Meckler, Natanson, and Harden’s (2024) article, which indicated that in states with laws targeting LGBTQ+ issues, school hate crimes quadrupled. We therefore recommend that NAFME and its members continue to resist rhetorics that marginalize student and teacher groups, actively maintaining NAFME’s mission to be *a collaborative community that supports music educators and advocates for equitable access to music education*.

⁵ Antipolitics refers to an inclination to remove politics from public institutions and is often fueled by populist rhetoric that casts politics as corrupt or broken (Shaw, 2021; Snyder et al., 2017).

On most items, responses were similar when comparing all responses with responses from states with DCLs—only items that were directly related to the language in DCLs were significantly different (e.g., “I can’t talk about sexuality at school”). About half of respondents across the United States said that DCLs make it harder to teach and that DCLs are raising their levels of stress or burnout. About 30% of respondents fear being reprimanded, suspended, fired, or sued due to DCLs, and about 20% of respondents are discouraging young people from becoming teachers due to DCLs.

Equity is the keystone of the 2022 NAFME Strategic Plan, and the association is committed to defining, developing, and promoting resources and frameworks that expand access to equitable music education. NAFME advocates for federal resources and policies to ensure students have equitable access to a well-rounded education that includes music. NAFME also supports legislation to expand arts education at minority-serving institutions and to recruit teachers from underrepresented populations. Through the Connected Arts Networks project, NAFME is helping to create professional learning communities to help dance, media arts, music, theatre, and visual art educators build their capacity to address equity, diversity, and inclusion and social-emotional learning in standards-based arts instruction. As a member of the National Coalition for Arts Standards, NAFME is helping to lead the Creating a Community for All Learners project, which will analyze how the national arts standards could better address the needs of a diverse student population and develop guiding principles for culturally responsive teaching. Finally, the NAFME Equity Committee is in the process of developing an Equity Resource Center, a collection of diversity, equity, inclusion, access, and belonging (DEIAB) resources to support members in their continuing efforts to make DEIAB actionable in the music education profession.

We recommend that administrators, parents, and music professional associations continue to support music educator resilience and wellbeing, advocating for professional trust and respect for educators and safe and healthy working conditions. Information from this report should influence NAFME’s Music Teacher Profession Initiative, as the leaders of this initiative must consider DCLs as a reason both for teacher attrition and for challenges with recruitment. Finally, given the negativity teachers and students face, we recommend that administrators, parents, and music professional associations promote the amazing, positive, wonderful music-making that is happening in schools all over the United States every day, reminding educators how much we value them and underscoring the importance of their work creating inclusive and welcoming music educations.