



Something in the Water:

Controversial Issues and Competitive Debate

Austin Young and Sara O'Brien

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This case is set in Memphis, Tennessee, where the Memphis-Shelby County School District serves a student population that is 74% Black, 15.5% Latino, 1% Asian, 7% White with 79% 4-year graduation rate. Like many states around the U.S.A., Tennessee has enacted a law banning educational materials “promoting division” in public schools. Passed in the summer of 2021, the law contains a list of fourteen prohibited concepts that public and charter schools cannot promote through any instructional materials, including the idea that “an individual, by virtue of the individual’s race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously.” It also forbids teaching that “an individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual’s race or sex.”¹ Exactly what materials would be violations under this broad language has proved controversial and confusing to some educators.² The law also established a detailed investigative and legal process initiated by any complaint on the basis of the law. Schools and teachers face harsh penalties for a violation, with schools paying a \$1 million fine for the first violation and up to \$5 million for further violations. Educators risk losing their teaching licenses if found in violation of the law.

Victoria Lopez hurried toward the conference room at Madison High School, late for her first meeting on the leadership board of Metro-Memphis Urban Debate League. The board was comprised of debate coaches who reviewed everyone’s paperwork, set up tournament logistics, and ensured compliance with relevant regulations.

"So sorry I’m late! A meeting with my principal ran long," Victoria announced, sliding into an open seat. The meeting had actually been an interview to join her school’s administration after a vice principal quit unexpectedly. Victoria had been contemplating a move to administration for a while, and now, in her fifth year of teaching, the time felt right.

"No worries, Victoria, we know how it is!" said Jayla. A Black teacher originally from D.C., Jayla had completed Teach for America (TFA) last spring and was continuing her career in Memphis.

"I had an LSAT prep session run long and just walked in myself," added Aaron. A White teacher from California, Aaron was starting his second year of TFA. In addition to the debate team, he also coached tennis – a sport his school had never offered before. The three teachers had become friendly when their teams rode the same bus to a tournament in Atlanta last spring.

Stacy Watson, an experienced Black teacher from Memphis, smiled from the other end of the table. "Hi, Victoria, welcome to the board! I know we got the digital versions last week, but would you like a hard copy of the evidence packets?"

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<https://www.tn.gov/content/dam/tn/education/legal/Prohibited%20Concepts%20in%20Instruction%20Rule%207.29.21%20FINAL.pdf>

2

<https://www.washingtonpost.com/education/2021/06/12/teachers-protest-laws-restricting-antiracism-lessons-in-school/>

Stacy grabbed a packet from the pile of documents in front of Steve, another veteran teacher with whom she had collaborated on the leadership board for years. A White man from Memphis, Steve was well-known in the debate community, partially because he signed off on everyone's coaching stipends.

"Yes, thank you, Mrs. Watson. Hi, Mr. Jones." Victoria nodded to Steve, who nodded back and continued to meticulously sort the waivers and coaches' timesheets.

Victoria hadn't had time to review the research packets, so she flipped one open to check the resolution. Each year, the National Debate Coaches Association publicized a nationwide topic for Policy Division debate. This year's read: *"Resolved: The United States federal government should substantially increase its protection of water resources in the United States."*

"Don't you teach about water resources in your science class, Aaron?" Victoria asked.

"I sure do," Aaron enthused. "But these evidence packets go above and beyond the state standards. One is about lead contamination in the water supply. Apparently, lead pipes are a problem right here in Memphis!"

Victoria flipped through the thick collection of excerpts from news articles and academic journals. The packets were curated by the national association specifically to help middle school and novice debaters prepare their speeches. By centralizing and norming the evidence sources, the packets helped ensure consistent background research among debaters competing across states or advancing to nationals.

"It's nice to have a relevant topic!" Victoria agreed.

"Yeah, the lead packet is refreshing, but the other packet is just about agriculture runoff," replied Aaron.

Jayla frowned. "Right, I don't see how we're going to make the kids care about that. You just don't think about farmland regulations as a teenager in the city."

Stacy perked up. "I actually think our students will know a lot about growing food. Plenty of folks in Memphis have family connections in rural Mississippi or Arkansas."

"I'd never thought about that!" Jayla exclaimed.

"Well, y'all aren't from Memphis, are you?" Stacy laughed, looking at the three young teachers. "I'm looking forward to having my students connect with their grandparents and relatives about the farming life—it'll be good for them."

"I can totally see that! A couple of years ago, on the debate team at Spelman, we had an immigration topic," Jayla reminisced. "Two of us had Nigerian parents, and talking to them about the U.S. visa system made the research process so much easier. We basically became assistant coaches for that tournament!"

Stacy raised her eyebrows in reply: "And now you're a head coach. In my class, we call that foreshadowing."

Victoria chuckled with Stacy and Jayla. "No matter what, it sounds like our kids are more connected to either topic than last year's debate about the China/Taiwan crisis."

"Exactly. And I've already seen the lightbulbs flickering on," replied Aaron. "I learned that Memphis Light, Gas, and Water's website has an interactive map of the city's lead service lines. You can enter any address in Memphis and see the most recent lead test results. At practice, I gave a presentation on lead's effect on the brain and nervous system, then I pulled the map up on the projector. All my debaters were eager to check on their own address."

"Did you actually type in their addresses?" Stacy asked. She looked concerned, but Aaron seemed unfazed.

“Of course, and unfortunately, most of them showed positive for lead. Then we zoomed out on the map and started talking about environmental racism. The newer white suburbs had no lead whatsoever, whereas the older inner-city neighborhoods all did. At the end of practice, I had everyone generate questions that we’ll use to guide our research next week.

“And do you think you’re going to be able to answer all those questions?” Stacy asked.

“Oh no, but they’re fired up about it,” Aaron beamed. “A few 8th graders were talking about emailing the mayor or the news! And the English teacher even told me a few of them were flipping through the packet during free reading time.”

Jayla chimed in, “Wow, see, when you connect things to the real world—”

“I really wish you hadn’t done that,” Stacy interrupted. “That experience could fill students with hopelessness and anxiety. If you have them scared of their own tap water, how are they going to focus at school? It’s not a problem they can solve as children, so in that lesson, they’re just victims. Framing a topic that way makes a *debate* too emotional and distracting for the classroom.”

Aaron opened his mouth, searching for words, as Steve looked up from his laptop and broke the silence.

“Ah well, this is awkward... We all just got an email from the district. They’re pulling the lead contamination packet. It contains material not approved for Tennessee.”

While Aaron recovered from being blindsided again, Jayla spluttered, “What?! How can they do that? It’s the national debate league’s materials—all the novice debaters in the country are using it.”

“Well, I wouldn’t be surprised if more places followed suit,” Steve remarked. “We’re not the only state that’s banned Critical Race Theory. Check your email.”

Victoria read silently: *I’m sure you’re all familiar with the law recently signed by Governor Lee that adds new restrictions on curriculum. All instructional material must be totally impartial and non-controversial. With such serious consequences for even a single complaint, we’re being extra careful. Given that debate is a district-sponsored program, we spent the summer reviewing the national research packets for divisive content. Unfortunately, we found the lead pollution packet, which repeatedly expanded on the concept of “environmental racism,” is likely to put the program at risk for a complaint. MMUDL is directed not to use the lead contamination packet at tournaments this year.*

Victoria looked at her colleagues. “Yikes. What are we going to tell the coaches?”

“We’ll just forward them the email,” said Steve. “What else would we do?”

“We do have a choice here,” Aaron protested, closing his laptop. “As the leadership board, we can take a stand. I say we go right ahead and host the first tournament with the lead packet. If the district wants to say that evidence from academic journals and newspaper articles is ‘illegal,’ they can explain it to the news cameras and embarrass themselves.”

Victoria felt uncomfortable. Next to her, Jayla started Googling the language of the new law.

“That sounds like we’re asking for trouble, Aaron,” Victoria began hesitantly, “I thin-”

“Asking for trouble and downright breaking the law,” Steve interjected.

Jayla raised an eyebrow from behind her laptop screen, still scanning the law’s text. “But how exactly is raising awareness about environmental racism breaking the law?”

Steve opened his palms to the table. “Look, I’m not trying to get political here. If I could just defend the district: none of us are getting paid to *raise awareness*. Teachers should only have to teach the facts, not theories or opinions.”

Aaron jumped in. “Steve, respectfully, isn’t omitting the discussion of racism a political choice? What am I supposed to tell my students about why we’re not using the lead packet anymore?”

“You’re the adult—you don’t have to explain yourself.”

“Regardless of whether the district made a good decision,” Stacy interceded, “I can see why we wouldn’t want to taint students’ debate experience by embroiling them in a political controversy. I’d probably say ‘It’s the state’s rules, not mine.’ There are other ways to teach about pollution.”

Jayla looked up confidently from her computer. “If I’m reading this law right, so-called biased or divisive materials can be used if they are balanced with a viewpoint from the opposing side. That’s exactly what we do at debate tournaments. If it’s situated in a debate, people can hardly say we’re only pushing one narrative.”

“That’s exactly why we *can’t* use the packet,” Steve fired back. “It doesn’t give multiple perspectives at all. The debate offers different regulatory solutions, but both to the problem of environmental racism.”

“That’s because there is no valid ‘other side’ when it comes to racism,” Jayla argued. “It sounds more controversial to pretend that it’s a coincidence that Black and Brown communities are more often burdened with pollution.”

“Exactly, Jayla,” rejoined Aaron. “No one’s challenged the packet yet, and if they do we should defend its value.”

Listening silently, Victoria wondered what she’d do as a vice-principal if one of her teachers was accused of violating the new law.

“Jayla, Aaron,” she said, “I agree it’s a shame anyone would go so far as to file a complaint against that packet, but I can definitely see it happening. And that puts us all at risk...”

“Maybe we can distribute the packet as totally *optional*. If teams want to debate with it, they can do so unofficially – outside of league tournaments,” Jayla suggested.

Steve shook his head, but Jayla pressed on.

“Aaron says his students could see their own homes on the lead contamination map! I can’t accept that it’s too risky to share the packet with stories and voices from people who could be our students.”

“That’s important,” Victoria conceded. “I hate the thought of taking away material that resonated with students so strongly. I could be willing to take that risk for myself... but what about all the coaches not on this board? The district is asking us to play it safe for them. All it takes is for one parent to complain...”

“The parent doesn’t even have to win their case,” Stacy sighed. “But as soon as that happens there’s going to be lawyers involved, staff getting put on leave while a case drags on, media attention. And, honestly – if the board considers the debate league a lightning rod for controversy, they will cut our funding right there.”

“Just about every topic we could debate ruffles someone’s feathers,” Aaron shrugged with unaffected defiance. “Parents will use this law to file complaints no matter what we do. So let’s use the opportunity to show these kids how to take a stand against this stuff. They can learn and grow through civic advocacy.”

“Excuse me, *taking a stand* against who?” Steve asked of the table.

"I agree the kids should get to read the evidence... but we don't have to make this a protest," Jayla said hesitantly. "We can just share the packet and let the coaches make their own decision."

"We can't send coaches instructional materials that violate the law," Steve retorted.

"The district didn't say this packet actually violates the law. They're overly cautious. The issue is not what we *can* do – it's what we're willing to do," appealed Aaron.

"We're lucky the district is playing it safe. As Victoria said..." Steve nodded in her direction, "We should play it safe too."

"Well, to be clear," Victoria said cautiously, unsure if she wanted to align herself with an argument yet, "I don't know if the packet violates the law. Jayla, you made a good point, maybe it doesn't. But I'm uncomfortable with subverting the district's orders. Maybe if we ask first it will be better for our professional relationship?"

"We have to think big picture," Aaron exclaimed dismissively. "The publicity of refusing the district's ban could lead to real change. Maybe if students protested, posted on social media, or wrote to elected officials, something would be done. Justice... advocacy. That is exactly what education should be about! Frankly, that's what my debate program is about."

"Do you hear yourself?" Steve scoffed. "This is exactly what this law is designed to prevent. We're here to be teachers—not activists!"

Stacy laughed. "Okay, why don't we all take a breath? Steve, you've got quite the enthusiasm on this issue for someone who opposes teacher activists."

"Point taken," Steve said with a smile.

Stacy returned her gaze to the rest of the table. "I don't think there's anything wrong with being an activist – as an adult. But these are students. I coach debate because it makes my students better readers, speakers, and thinkers. Let's focus on that."

"Stacy, your debaters have been to nationals before. Are you allowed to opt out of a topic at nationals?" inquired Aaron. "Because I'll tell you what, kids in New York, Washington, California... they're going to get to learn about environmental racism. They'll ask our kids about it during cross-examination. Doesn't that seem unfair to you?"

"Of course it's unfair." Stacy sighed. "And of course, I care about nationals. But what I care about a lot more is a thriving debate league for our students. Besides chess, it's the only non-athletic after-school activity our district funds. If we undermine the district's directions, their next "cautious" decision could be to stop our funding."

Stacy looked to Jayla, then to Aaron. "I've seen a lot of teachers come and go. But this debate league is something I don't want to see kids in Memphis lose."

"We don't know that will happen," Aaron insisted.

"I see your point, Stacy," said Jayla. "I guess... I just don't know where playing it safe ends. Out of the same care that you have for our community, I'm willing to find a way to give students in Memphis access to this packet."

Victoria looked down, glad a question like this hadn't come up in her interview today. The coaches would be looking for their evidence files in the next day or two, which meant, somehow, the board was making a decision tonight. She wanted to become the type of leader who did the right thing. But what was the right thing here?