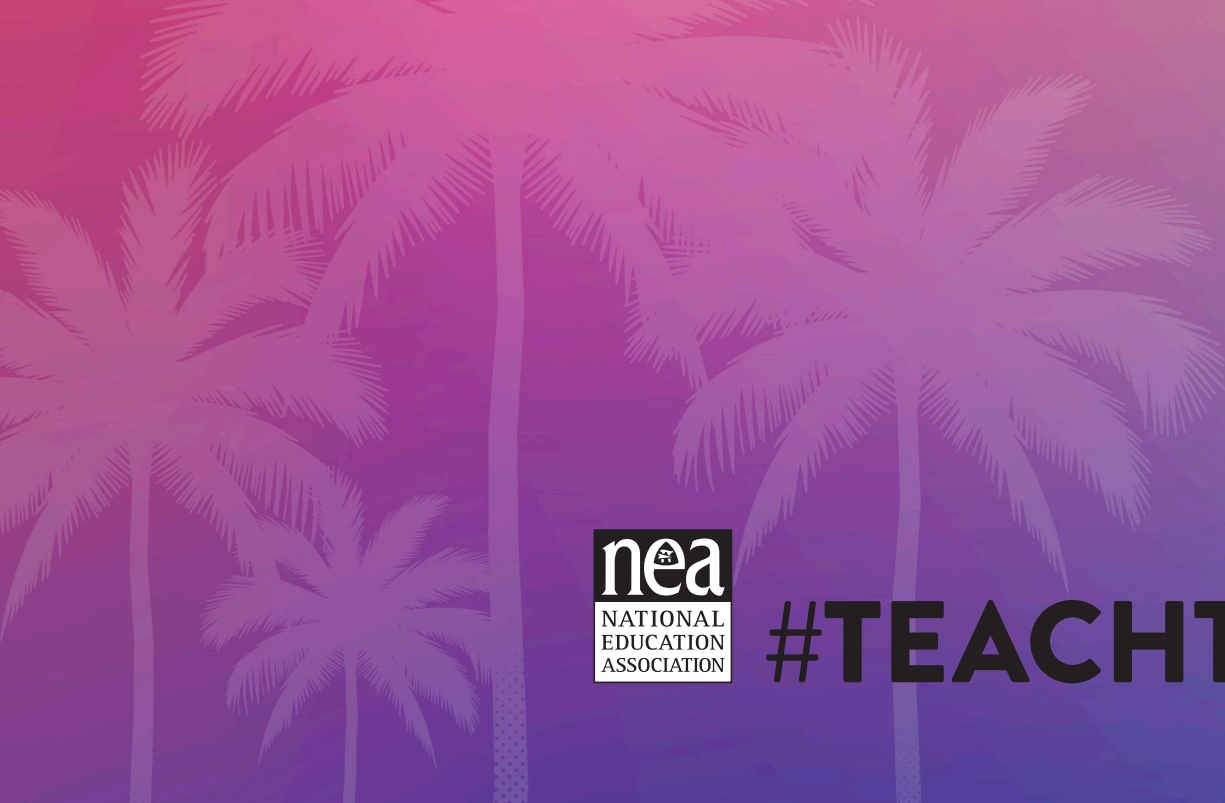


KNOW YOUR RIGHTS

FLORIDA



#TEACHTRUTH

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WHAT EDUCATORS SHOULD KNOW ABOUT FLORIDA'S NEW STATE RULE ON INSTRUCTING STUDENTS ABOUT OUR COUNTRY'S HISTORY

Lawmakers and policy makers across our country, in yet another attempt to divide Americans along partisan and racial lines, are pushing legislation that seeks to stifle discussions on racism, sexism and inequity in public school classrooms. Despite the rhetoric around them, the new laws do not prohibit teaching the full sweep of U.S. history, including teaching about nearly 250 years of slavery, the Civil War, the Reconstruction period, or the violent white supremacy that brought Reconstruction to an end and has persisted in one or another form ever since. Nor do these laws and policies undermine efforts to ensure that all students, including historically marginalized students, feel seen in the classroom and benefit from culturally-inclusive curricula and pedagogical tools that teach the truth about our country.

In Florida those efforts have resulted in the adoption of a new rule by the State Board of Education that governs how certain instruction is provided. The following answers some FAQ's about the new Florida rule.

These dangerous attempts to stoke fears and rewrite history not only diminish the injustices experienced by generations of Americans, they prevent educators from challenging our students to achieve a more equitable future. - BECKY PRINGLE, PRESIDENT OF THE NATIONAL EDUCATION ASSOCIATION

Q&A

What is this new school board rule and what does it do?

- On June 10, 2021, the Florida State Board of Education amended 6A-1.094124, its rule for Required Instruction Planning and Reporting. The new rule is [here](#) and went into effect July 26, 2021.
- The rule requires “instructional staff in public schools” to teach the existing state standards in a “factual and objective manner” in a way that is “age appropriate” and does not “suppress or distort significant historical events, such as the Holocaust, slavery, the Civil War and Reconstruction, the civil rights movement and the contributions of women [and] African American and Hispanic people to our country.”
- Florida’s existing standards remain unchanged and are the [Next Generation Sunshine State](#)

[Standards](#) and the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards for [Language Arts](#) and [Mathematics](#).

- But the rule specifically prohibits teaching “Critical Race Theory,” which the rule defines as teaching that “racism is not merely the product of prejudice, but that racism is embedded in American society and its legal systems in order to uphold the supremacy of white persons.” The rule also prohibits the use of any materials from the [1619 Project](#) or “defining American history as something other than the creation of a new nation based largely on universal principles stated in the Declaration of Independence.”
- The rule also provides that instructors cannot share their personal views with students or try to “indoctrinate” or persuade them to accept viewpoints

that are contrary to the state standards.

- The rule is enforced through annual school district reports (with the first due in July of 2022) about the instruction provided in the district during the prior year. The Commissioner of Education is to investigate alleged violations of the rule and take action against school districts for violations of the rule.

Can I still teach the truth about U.S. history and current American society?

- The rule does not alter Florida’s state standards to teach students about U.S. history, including slavery, abolition, the Civil War, and the Civil Rights Movement. Students must also learn about the contributions that African Americans, Hispanics, and women have made.¹

¹ Florida Statute 1003.42(2)(f), (h), (p), (q), available [here](#).



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- o The rule prohibits using the 1619 Project or any of the curriculum materials associated with the 1619 Project in your lessons. The scope of this prohibition is unclear but it appears to bar use of the [essays](#) published in The New York Times Magazine as part of the original 1619 project, the [1619 Project Curriculum](#), created by the New York Times and the Pulitzer Center, [The 1619 Project Podcast](#), and the new book, [The 1619 Project: A New Origin Story](#). If you plan to teach using these materials, contact your union representative to understand the risks involved and the best way to proceed.
- o The rule also prohibits instruction that defines “American history as something other than the creation of a new nation based largely on universal principles stated in the Declaration of Independence.” The rule provides no further guidance on how this requirement should be applied in the context of teaching the state’s history standards. Lessons aligned with those standards remain defensible even if they teach students truthful infor-

mation about the long history of slavery and disenfranchisement of women and racial minorities.

- o As always, you should never teach that any sex or race is inherently superior or inferior.

What if my students ask about current events that raise issues of systemic racism?

- o As an educator you know how to handle difficult questions in professional and age-appropriate ways. The Florida rule requires that educators “serve as facilitators for student discussion and do not share their personal views or attempt to indoctrinate or persuade students to a particular point of view that is inconsistent” with state standards.
- o If you are planning discussions about current events that raise racial issues, be sure your curriculum is age-appropriate and aligned with state standards and past practice. You may want to notify or get approval from your administration as well if a particular instructional approach is likely to be controversial in your classroom or the community.

Where can I go for more information on this issue?

- o Nothing in the new law erases your school district’s federal and state law obligations to enforce anti-bullying and nondiscrimination policies and laws in schools. Your school district likely has a policy in place to address such incidents. Provided you are responding in a way that is in line with that policy, your conduct should be protected.

How can I continue to foster an inclusive environment at my school? / Can I display BLM flags, etc. in my classroom?

- o We know that inclusive curriculum and pedagogical approaches work. They engage students and improve student retention and achievement. Talk to your principal about the importance of making sure that all students feel seen and supported in your school and classroom and ways that the school can make sure this happens. If you plan on posting a symbol of inclusion such as a BLM or a Dreamers poster, and have not seen others posting similar items in their classroom, make sure to tell your principal in



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advance so that you can address any concerns they may have. If your principal or another school administrator prohibits you from posting such inclusive posters, consult your union representative about how best to proceed. Never post overtly political materials in your classroom without clear authorization to do so.

6 What happens if a parent, student, administrator or member of the community accuses me of violating this rule?

- o The new rule is enforced by the State Commissioner of Education by way of actions against school districts. The rule does not provide a way for a parent or student to bring an action directly against a teacher for an alleged violation. A complaint by a parent to a school district, however, may prompt a school district to initiate a disciplinary action against you.
- o If your school district takes action against you for an alleged violation of the rule, and you are repre-

sented by a union, contact your union for assistance. You can find your local union's contact information on the Florida Education Association site [here](#).

- o Your union representative can assist you in determining what rights you have under any collective bargaining agreement with your school district. Only teachers hired before 2011 are likely to have tenure, meaning that your school district must have good reasons to either fire you or fail to renew your contract. If you were hired after 2011, you likely have an annual contract meaning that your district can't fire you during that contract without just cause, but can choose not to renew your contract at the end of the year for any reason or no reason. Even then, school districts can't non-renew your contract for an unlawful reason, such as your race or sex, or as punishment because you properly exercised your First Amendment rights outside of school (as described below).

How can I support my students / oppose these laws outside of school?

- o Always remember that you have the greatest protection when you are speaking up off work time and to your community or the general public – for example, by speaking at a school board meeting, attending a rally, writing a letter to the editor, or posting on Facebook or other social media. You can join students at these off school events, but you should not use your authority as their teacher to urge students to participate.

How can I speak up for the importance of honest and inclusive education?

- o [Sign the NEA EdJustice Honesty in Education pledge](#) to show your support for teaching the truth and stay up to date on the education justice movement.

Where can I go for more information on this issue?

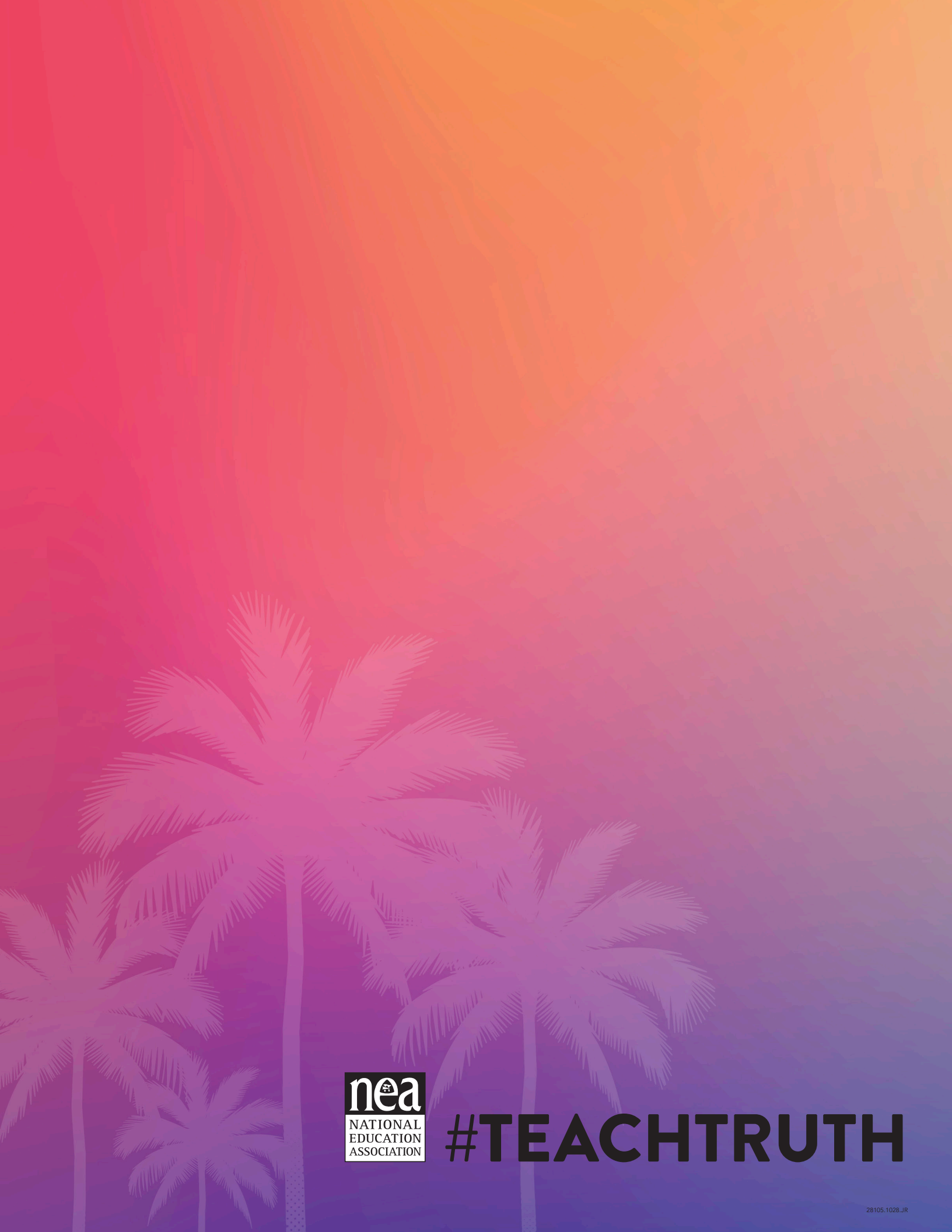
- o [NEA's Honesty in Education resource page and NEA's Know Your Rights page](#)



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- [African American Policy Forum #TruthBeTold Campaign Partnership for the Future of Learning's messaging guide: Truth in Our Classrooms Bridges Divides](#)
- [The Leadership Conference's Toolkit for Local Advocates: Teaching Diverse and Inclusive Curricula Materials and Defending Diversity, Equity, and Inclusion](#)

THIS RESOURCE WAS COLLABORATIVELY DEVELOPED BY THE NATIONAL EDUCATION ASSOCIATION, WITH ADDITIONAL CONTRIBUTIONS FROM AAPF'S #TRUTHBETOLD LITIGATION STRATEGY & LEGAL SUPPORT WORKING GROUP INCLUDING LATCRIT, INC. AND THE NATIONAL YOUTH LAW CENTER YOUTH LAW CENTER.



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