

KNOW YOUR RIGHTS



#TEACHTRUTH

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Know Your Rights



WHAT EDUCATORS SHOULD KNOW ABOUT IDAHO'S NEW STATE LAW 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. You should know that none of the new laws 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 the laws 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 full history of our country.

In Idaho those efforts resulted in the passage of a new law in April of 2021. The following answers some frequently asked questions about the new law in Idaho. You can find additional resources at the links below.

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 law and what does it do?

- o On April 28, 2021, Idaho passed HB 377, Dignity and Nondiscrimination in Public Education, which is linked [here](#) and took effect upon passage.
- o The law prohibits K-12 schools, including charter schools, and public institutions of higher education, from requiring students “to personally affirm, adopt, or adhere” to the view that:
 - Any sex, race, ethnicity, religion, color, or national origin is inherently superior or inferior;
 - Individuals should be adversely treated on the basis of their sex, race, ethnicity, religion, color, or national origin; or
 - Individuals, by virtue of sex, race, ethnicity, religion, color, or national origin, are inherently responsible for actions committed in the past by other members of the same

sex, race, ethnicity, religion, color, or national origin.

- o The law also prohibits classifying or distinguishing students by race or color, though the law does not prohibit schools from complying with the collection and reporting of required demographic data.
- o The law prohibits all K-12 public schools, including charter schools, and public institutions of higher learning from spending money for purposes prohibited by the law. No enforcement mechanism is specified in the law but it is possible that employment disciplinary actions or funding cuts could be used to enforce the law.

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

- o Yes – in fact the [Idaho Content Standards for Social Studies](#) require students to understand the role of slavery in the settlement of the United States (e.g.

6-12.US.1.1.2-3, 6-12.US.1.2.2, 5.SS.1.2.2). Students should be able to discuss “the causes and effects of various compromises in American history, such as the American Revolution, Civil War and Reconstruction,” (6-12.US.1.1.5) and “[e]xplain how and why events may be interpreted differently according to the points of view of participants and observers.” (6-12.US.1.1.3.2). Students also study the Civil Rights Movement (e.g. 9-12.G.4.4.1) and examine the roles that “diverse groups” have played in Idaho state history (e.g. 4.SS.5.1.1-2).

What curricula or pedagogical approaches are clearly prohibited by this new law?

- o As always, you should never teach that any sex or race is inherently superior or inferior. The new state law prohibits such instruction, as do many other state and federal laws as well.



Know Your Rights

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: nothing in these laws should constrain your ability to answer tough questions and encourage critical thinking among your students, even if those questions arise organically.
- o If you are planning discussions about current events that raise racial issues, be sure your curriculum is age-appropriate and squarely in line with state standards and past practices. You may also want to notify or get approval from your administration for particular instructional approaches that are likely to generate controversy in your classroom or the community.
- o You do not, however, need to avoid discussions or readings that may be deeply provocative and upsetting. Confronting the horrors of slavery and the continuing legacy of racism in our country is upsetting, but the new laws do not ban all emotional discussions.

What if there is a racial incident in the school?

- 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 and that is age-appropriate, 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 sim-

ilar items in their classroom, make sure to tell your principal in advance so that you can address any concerns they may have up front. 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.

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

- o If your school district takes action against you for an alleged violation of the law, and you are represented by a union, contact your union for assistance. You can find your Region Director's contact information on the Idaho 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 and also under Idaho law. If you have been teaching in the same school district in Iowa



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for more than three years and are professionally certified, you likely have tenure. That means your school district must have good reasons to terminate your contract. If you do not have tenure, your school district generally may choose not to renew your contract for any reason or no reason. But school districts can't choose not to renew your contract for an unlawful reason, such as your race or sex, or as punishment because you properly exercised your free speech rights outside of school (as described below).

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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 speak-

ing 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 get more involved in opposing these laws?

- 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](#)
- o [African America Policy Forum #TruthBeTold Campaign](#)

- o [Partnership for the Future of Learning's messaging guide: Truth in Our Classrooms Bridges Divides](#)
- o [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 AND AFRICAN AMERICAN POLICY FORUM, WITH ADDITIONAL CONTRIBUTIONS FROM AAPF'S #TRUTHBETOLD LITIGATION STRATEGY & LEGAL SUPPORT WORKING GROUP, INCLUDING LATCRIT, INC. AND THE NATIONAL YOUTH LAW CENTER."



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