

# KNOW YOUR RIGHTS



**nea** NATIONAL  
EDUCATION  
ASSOCIATION

**#TEACHTRUTH**

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## WHAT EDUCATORS SHOULD KNOW ABOUT NORTH DAKOTA'S NEW STATE LAW ON INSTRUCTING STUDENTS ABOUT OUR COUNTRY'S HISTORY

Law 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 in public school classrooms on racism, sexism and inequity. Most of these proposed or enacted 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 should these laws and policies undermine efforts to ensure that all students, including historically marginalized and excluded students, feel seen in the classroom and benefit from culturally-inclusive curricula and pedagogical tools that teach the truth about our country.

In North Dakota, these efforts resulted in a new law, enacted by the North Dakota state legislature, which prohibits “instruction relating to critical race theory in any portion of [a school district’s or public school’s] required curriculum.” The following answers some FAQ’s about the law and provides links to additional resources.

*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



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## Q&A

### What is this new state law and what does it do?

- o House Bill 1508, which is effective now, was passed by the North Dakota State Legislature and signed into law by Governor Doug Burgum on November 12, 2021.
- o Full text can be found [here](#).
- o The law adds a new section to [Chapter 15.1-21](#) of the North Dakota Century Code.
- o Under the law, each school district and public school must “ensure instruction of its curriculum is factual, objective, and aligned to the kindergarten through grade twelve state content standards.”
- o The law prohibits a school district or public school from including “instruction relating to critical race theory” in any portion of the district’s or school’s curriculum.
- o The law defines critical race theory as “the theory that racism is

not merely the product of learned individual bias or prejudice, but that racism is systemically embedded in American society and the American legal system to facilitate racial inequality.”

- o The law also permits the superintendent of public instruction to promulgate rules in accordance with the new law.

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

- o Yes! The law does not alter North Dakota’s [Social Studies Content Standards](#) for Grades K-12, which seeks to “sustain democratic principles,” help students “become thoughtful citizens who solve problems through connecting the past, present, and future,” and “facilitate knowledge of human diversity and dignity” through social studies education.
- o These curriculum standards require educators to teach students

about civics & government, geography, economics, North Dakota studies, history (United States and World), psychology, and sociology, based on the students’ grade level.

- o Classroom lessons aligned with North Dakota’s [K-12 Education Content Standards](#) remain defensible, even if they teach students truthful information about the long history of slavery and racism in the U.S.

### What curricula or pedagogical approaches are clearly prohibited?

- o As always, you should never teach that any race or sex is inherently superior to another race or sex.
- o The law prohibits “instruction relating to critical race theory” which the law defines as “the theory that racism is not merely the product of learned individual bias or prejudice, but that racism is systemically embedded in



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American society and the American legal system to facilitate racial inequality.”

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

- o As an educator, you know how to handle challenging questions in professional and age-appropriate ways. If you are planning a classroom lesson about a current event or controversial topic that also involves discussion of race or racism, be sure your curriculum is age-appropriate and aligned with state standards and past practice. You may also consider notifying or getting approval from your school principal or administrator if a particular instructional approach is likely to be controversial in your classroom or the community.

## What if there is a racial incident in the school?

- o The law does not relieve school districts or schools of their obligations under federal and state law to enforce anti-bullying, anti-harassment, and nondiscrimination policies in schools.

- o Your school district likely has a policy in place to address race-based incidents. Provided you are responding to the incident 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 a Black Lives Matter flag, 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 school principal or administrator about the importance of making sure all students feel seen and supported in your classroom and school, and the ways your school can make sure this happens.
- o If you plan on posting a symbol of inclusion, such as a Black Lives Matter, LGBTQIA+ Pride, or DREAMers flag or poster, and have not seen other educators posting similar items in their classroom, make sure to tell your school principal or administrator in advance so you can address any concerns they may have. If your

school principal or another school administrator bars you from posting such inclusive signage, consult your union representative about how best to proceed.

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

- o The new law is enforced by the State School Superintendent and Administrator of the North Dakota Department of Public Instruction. The law does not provide a way for a parent, student, or member of the community to bring an action directly against a teacher for an alleged violation of the law.
- o However, a complaint to the school district or North Dakota Department of Public Instruction may prompt an investigation and/or disciplinary procedures action against you for failure to comply with state and/or federal laws and/or school district policies.
- o If your school district or the North Dakota Department of Public Instruction takes action



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against you for an alleged violation of the law and/or school district policies, and you are represented by a union, contact your union for assistance. You can find your local union's contact information on North Dakota United's [website](#).

- o Your union representative can assist you in determining what rights you have under any collective bargaining agreement with your school district. Your school district cannot discipline or terminate you, or 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 this law outside of school?

- o Always remember that you have the greatest protection when you speak up during non-work time and outside of school – for example, by speaking at a school board meeting, church, or other local community group meeting, attending a rally, writing a letter to the editor, or posting on Facebook or other social media.
- o You can join your 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 American 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](#)



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