

KNOW YOUR RIGHTS

TENNESSEE



#TEACHTRUTH

Table of Contents

[What is the new Tennessee Law and what does it do?](#) **4**

[Can I still teach the the facts about U.S. history and current American society?](#) **5**

[What if my students ask about current events that raise issues of systemic racism?](#) **5**

[What if there is a racial incident in the school?](#) **6**

[How can I continue to foster an inclusive environment at my school? / Can I display BLM flags, etc. in my classroom?](#) **6**

[What happens if a parent, student, administrator, or member of the community accuses me of violating this law?](#) **6**

[How can I support my students / oppose these laws outside of school?](#) **6**

[How can I get more involved in opposing these laws?](#) **7**

[Where can I go for more information on this issue?](#) **7**



Know Your Rights



WHAT EDUCATORS SHOULD KNOW ABOUT TENNESSEE'S NEW 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. The laws enacted to date generally 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 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 historical facts about our country.

In Tennessee those efforts have resulted in a new law that restricts how certain concepts relating to race and sex can be taught. The following answers some FAQs about the new Tennessee law and provides 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



Know Your Rights

Q&A

What is the new Tennessee Law and what does it do?

- o On May 5, 2021, the Tennessee Legislature passed House Bill 580, which restricts how certain concepts relating primarily to race and sex are taught. The new law is [here](#) (beginning on page six) and went into effect May 25, 2021.
- o The law prohibits public and charter school educators from teaching or using materials that “include or promote” the following concepts:
 - Any race or sex is inherently superior or more moral than another;
 - An individual, by virtue of their race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously, or is responsible for past actions by members of the same race or sex;
 - Anyone should be discrim-

- inated against or receive adverse treatment because of the individual’s race or sex;
- One should feel discomfort, guilt, anguish, or another form of psychological distress solely because of one’s race or sex;
- A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress another race or sex;
- Tennessee or the United States is fundamentally or irredeemably racist or sexist;
- Promoting or advocating the violent overthrow of the United States government;
- Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;
- Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of their race or sex;

- The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;
- All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or
- Governments should deny to any person within the government’s jurisdiction the equal protection of the law.
- o **The law specifically allows teachers to teach and use materials that include “the history of an ethnic group,” “the impartial discussion of controversial aspects of history,” “the impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region,”** and certain historical documents including the U.S. and Tennessee Consti-



Know Your Rights

tutions, Declaration of Independence, and Tennessee and United States Supreme Court cases.

- **Tennessee’s existing [social studies standards](#) remain unchanged and expressly require students to be able to “to describe, analyze, or assess racial dynamics, including the role of slavery where applicable, during major periods of American History,** including colonial times and the Revolutionary War.” The standards specifically mention lessons on Jim Crow, the Klu Klux Klan, and the civil rights movement.
- Further, a separate Tennessee law¹, which has also not been changed, states that public schools “should include, at some appropriate grade level or levels, as determined by the local board of education, courses and content designed to educate children in black history and culture and the contribution of black people to the history and development of this country and of the world.”
- The new law is to be enforced by the Tennessee Department of

Education which, upon finding of a violation, can withhold funds from a school.

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

- Yes, the law does not alter Tennessee’s state standards to teach students about U.S. history, including slavery, abolition, the Civil War, and the Civil Rights Movement. The law expressly allows teachers to teach, in an “impartial” way, the “controversial” history of ethnic groups in the United States, including historical instances of a group’s oppression “based on race, ethnicity, class, nationality, religion, or geographic region.”
- Even though teaching historical events that involve a group’s trauma, pain, and suffering necessarily involves emotions and feelings, as long as the lessons adhere to state standards, are focused on truthful facts and are age appropriate, these lessons are defensible.
- In terms of teaching materials, you will be safest when using instructional materials and textbooks that have been adopted

by your local school district from the list of textbooks and materials adopted by the [Textbook and Instructional Materials Quality Commission](#) and approved by the Tennessee State Board of Education.

- The law prohibits teaching specific conclusions about racism having a structural component (for example, that racism is “inherent” in a meritocracy or that the U.S. is “irredeemably racist”). However, the law does not prohibit students from generating their own internal conclusions based on truthful facts being taught.
- As always, you should never teach that any sex or race is inherently superior or inferior. Both the new law and many other state and federal laws prohibit discriminating against students based on race, ethnicity, national origin, gender, disability, and religion.

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

- As an educator you know how to handle difficult questions in professional and age-appropriate ways.

¹Tenn. Code Ann. § 49-6-1006, available [here](#).



Know Your Rights

- 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.

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, 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 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 educational association representative about how best to proceed.

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

- o The new law is enforced by the Tennessee Department of Education by way of actions against school districts, not against individual teachers.

- o But a complaint that an individual teacher’s materials and teaching violates the law can prompt disciplinary action against a teacher including a termination proceeding. If you have tenure, a school district must have a good reason for terminating your employment and must follow a fair process in doing so.² If you have not yet obtained tenure, your contract can be non-renewed for any reason or no reason, except for an improper reason (like exercising one’s First Amendment rights outside of school).
- o If your school district takes action against you for an alleged violation of the law, you should contact your education association for support. The website for the Tennessee Education Association is [here](#).

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**

² A tenured teacher can be dismissed or suspended for “incompetence, inefficiency, neglect of duty, unprofessional conduct, and insubordination.” Tenn. Code Ann. § 49-5-511, available [here](#).



Know Your Rights

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 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 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 THE AFRICAN AMERICAN POLICY FORUM WITH ADDITIONAL CONTRIBUTIONS FROM AAPF'S #TRUTHBETOLD LITIGATION STRATEGY & LEGAL SUPPORT WORKING GROUP INCLUDING THE NATIONAL YOUTH LAW CENTER.



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