

KNOW YOUR RIGHTS

KENTUCKY



#TEACHTRUTH

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WHAT EDUCATORS SHOULD KNOW ABOUT KENTUCKY'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 in public schools that celebrate our country's greatest triumphs and examine our darkest moments, attempting to restrict students' freedom to learn from the past and make a better future. These legislators are working hard to censor classroom discussions on topics like race, racism, sex, sexism or inequity.

Despite the rhetoric around them, these proposed or enacted laws do not prohibit teaching the full sweep of U.S. history, including teaching about nearly 250 years of chattel 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 students, feel seen in the classroom and benefit from culturally responsive and racially inclusive curricula and pedagogical tools that teach the truth about our country and prepare students to meet the demands of a changing and increasingly globalized world.

In Kentucky, these efforts resulted in the inclusion of some limited restrictions in **Senate Bill 1 (2022)** that require instruction and instructional material to be consistent with certain specified concepts. The following answers some FAQs about these provisions in the new 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**

Q&A

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

- o Senate Bill 1 (2022) is effective now (the Governor’s veto was overturned by the legislature on April 14, 2022). Full text [here](#) and relevant provisions at pgs. 34-37.
- o The law adds a new section to Chapter 158 and amends Chapter 161.164 of the Kentucky Revised Statutes. The relevant provisions of the law:
 - Require public schools and public charter schools to provide instruction and instructional materials that are aligned with the state’s social studies academic standards and consistent with the following concepts:
 - “All individuals are created equally”;
 - “Americans are entitled to equal protection under the law”;
 - “An individual deserves to be treated on the basis of

- the individual’s character”;
- “An individual, by virtue of the individual’s race or sex, does not bear responsibility for actions committed by other members of the same race or sex”;
- “The understanding that the institution of slavery and post-Civil War laws enforcing racial segregation and discrimination were contrary to the fundamental American promise of life, liberty, and the pursuit of happiness, as expressed in the Declaration of Independence, but that defining racial disparities solely on the legacy of this institution is destructive to the unification of our nation”;
- “The future of America’s success is dependent upon cooperation among all its citizens”;
- “Personal agency and the understanding that,

- regardless of one’s circumstances, an American has the ability to succeed when he or she is given sufficient opportunity and is committed to seizing that opportunity through hard work, pursuit of education, and good citizenship;” and
- “The significant value of the American principles of equality, freedom, inalienable rights, respect for individual rights, liberty, and the consent of the governed.”
- Require instruction or instructional materials on current or controversial topics related to public policy or social affairs to be:
 - “Within the range of knowledge understanding, age, and maturity of the students receiving the instruction”; and
 - “Relevant, objective, nondiscriminatory, and



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respectful to the differing perspectives of students.”

- Prohibit local school district or public charter school employees “from requiring or incentivizing a student to advocate in a civic space on behalf of a perspective with which a parent or guardian of a minor student does not agree.”
- Prohibit requiring public school or public charter school employees from being required to engage in training, orientation, or therapy that coerces the employee to stereotype any group.
- None of these requirements are to be applied to prevent a public school from providing instruction or using instructional materials that include:
 - “The history of an ethnic group, as described in textbooks and instructional materials adopted by a school district”;
 - “The discussion of controversial aspects of history”;
 - or
 - “The instruction and instructional materials on the historical oppression

of a particular group of people.”

- The bill also requires the Kentucky Board of Education by July of 2023 to incorporate certain key original documents into grade-level appropriate middle and high school social studies academic standards and to align corresponding assessments including:
 - The Mayflower Compact; The Declaration of Independence; The Constitution of the United States; certain Federalist papers (Nos. 1, 10 and 51); James Madison’s June 8, 1789, speech on amendments to the U.S. Constitution; the Bill of Rights; George Washington’s 1796 Farewell Address; *Marbury v. Madison*, 5 U.S. 137 (1803); *The Monroe Doctrine* by James Monroe; *What to the Slave is the Fourth of July?* speech by Frederick Douglass; *Dred Scott v. Sandford*, 60 U.S. 393 (1857); *Final Emancipation Proclamation* by Abraham Lincoln; *Gettysburg Address* by

Abraham Lincoln; *Declaration of Rights of the Women of the United States* by Susan B. Anthony, Matilda Joslyn Gage, and Elizabeth Cady Stanton; The September 18, 1895, Atlanta Exposition Address by Booker T. Washington; *Of Booker T. Washington and Others* by W.E.B. Du Bois; *Plessy v. Ferguson*, 163 U.S. 537 (1896); The August 31, 1910, New Nationalism speech by Theodore Roosevelt; The January 11, 1944, State of the Union Address by Franklin D. Roosevelt; *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954) and *Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955); *Letter from a Birmingham Jail* by Martin Luther King, Jr.; The August 28, 1963, I Have a Dream speech by Martin Luther King, Jr.; and *A Time for Choosing* by Ronald Reagan.

- o The new law also amends Chapter 160.345 of the Kentucky



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Revised Statutes to provide that the superintendent instead of the school council determines the curriculum after consulting with the local board of education, principal, and school council and after a stakeholder review and response period.

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

- o Yes! The new law expressly reaffirms that instruction and instructional materials aligned with the [Kentucky Academic Standards \(KAS\) for Social Studies](#) are permitted. Those standards require educators to teach students about American and world history, civil rights, government, economics, and geography, based on the students' grade level. However, the new law *does* provide a list of specific documents that must be incorporated in curriculum standards.
- o The law does not prohibit classroom lessons on the contributions of women, gender inequality, the women's suffrage movement, and the struggle for equality and civil rights for women.

- o As always, you should never teach that any race or sex is inherently superior or inferior to another race or sex, or that individuals should be treated badly on the basis of their race or sex.

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.
- o **If you are planning a classroom lesson about a current event or controversial topic that also involves discussion of race, racism, sex, or sexism, be sure your curriculum is age-appropriate and aligned with the [Kentucky Academic Standards \(KAS\) for Social Studies](#).** 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, or an incident motivated by racism, in the school?

- o Nothing in the new law relieves school districts of their obligations under federal and state law to enforce anti-bullying, anti-harassment, and nondiscrimination policies in schools. Your school district likely has a policy in place to address these types of 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 culturally responsive and racially 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.



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- 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 does not create a private right of action for parents against educators. However, a complaint to the school district or Kentucky Department of Education may prompt an investigation and/or disciplinary procedures against you for failure to comply with state and federal laws and school district policies.
- o If your school district or the Kentucky Education Professional Standards Board takes action against you for an alleged viola-

tion of the law 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 the Kentucky Education Association [website](#).

- o Your union representative can assist you in determining what rights you have. Your school district cannot discipline you or terminate or non-renew your contract of employment 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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