

KNOW YOUR RIGHTS



Table of Contents

[What is Executive Order 1 and what does it do?](#) **4**

[Can I still teach the truth about US 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, or an incident motivated by racism, in the school?](#) **5**

[How can I continue to foster an inclusive environment at my school? / Can I display a Black Lives Matter flag, etc. in my classroom?](#) **5**

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

[How can I support my students / oppose these laws outside of school?](#) **7**

[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 GOVERNOR YOUNGKIN'S EXECUTIVE ORDER ON CRITICAL RACE THEORY

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.

But 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 Virginia, these censorship efforts have resulted in Gov. Youngkin signing an executive order instructing the Superintendent of Public Instruction to review various state resources and remove any endorsement or promotion of certain divisive concepts. The following answers some FAQ's about the executive order. If you or a colleague feel your ability to teach the truth is stifled by how your district is interpreting or enforcing the order, you can take action. Remember that you are most protected when you speak out outside of work, at a school board meeting, in your church, or other local community group. If you are a member of a union, reach out to your local representative for assistance. You can find additional help at the resources linked 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 Executive Order 1 and what does it do?

- o On Jan. 15, 2022, Gov. Youngkin's first day in office, he signed Executive Order 1, "Ending the use of inherently divisive concepts, including critical race theory, and restoring excellence in K-12 public education in the Commonwealth." The order is [here](#) and went into effect immediately.
- o The order directs the Superintendent of Public Instruction to review various parts of Virginia's curriculum and education programs and revise, rescind, or end any parts that promote any of the following concepts:
 - "members of one race, ethnicity, sex or faith cannot and should not attempt to treat others as individuals without respect to race, sex or faith" (their "protected characteristics"); and
 - "one race, skin color, ethnicity, sex, or faith is inherently

superior to another race, skin color, ethnicity, sex, or faith;" and

- an individual,
 - by virtue of their protected characteristics, "is racist, sexist, or oppressive, whether consciously or subconsciously;" or
 - by virtue of their protected characteristics, bears responsibility for actions committed in the past by other members of the same race, ethnicity, sex or faith; or
 - "should be discriminated against or receive adverse treatment solely or partly because of" their protected characteristics; or
 - has their "moral character ... inherently determined by" their protected characteristics; and
- "meritocracy or traits, such as a hard work ethic, are racist

or sexist or were created by a particular race to oppress another race."

- o The order also directs the Superintendent of Public Instruction to raise the standards in K-12 education and increase transparency, prioritize reading and math, ensure that reading and math proficiency standard exams are rigorous in comparison to testing standards across the country, increase the number of Governor's Schools, provide parents with greater access to information about the materials in their schools, provide a timely and respectful manner to address parent concerns or complaints, and review or modify existing cultural competency training to remove any endorsement of the divisive concepts.
- o On Feb. 23, 2022, the Superintendent sent an interim report, available [here](#), to Gov. Youngkin and the Secretary of Education,



Know Your Rights

rescinding numerous policies, programs, and resources, including

- All resources on Virginia’s EdEquityVA website;
- Superintendent’s Memo 280-20, the Diversity, Equity, Inclusion Audit Tool;
- Superintendent’s Memo 309-20, Navigating EdEquityVA: Virginia’s Roadmap to Equity;
- All Resources on Virginia Dep’t of Education’s (“VDOE”) Culturally Responsive Website;
- Superintendent’s Memo #050-19; and
- Teaching 9/11 EdEquityVA Web Series.

- o The Superintendent also partially rescinded:
 - Virginia L.E.A.R.N.S.; and
 - Virginia Math Pathways Initiative

Can I still teach the truth about US history and current American society?

- o Through the order and Superintendent’s response, Virginia has rescinded numerous programs

related to diversity and equity, but, at this time, the state has not changed Virginia’s [History and Social Science Standards of Learning](#).¹ The standards still require instruction on slavery, the Civil Rights Movement, and important figures including Martin Luther King, Jr., Rosa Parks, and Thurgood Marshall.

- o As always, you should never teach that any sex or race is inherently superior or inferior. Many state and federal laws prohibit discriminating against students based on race, color, national origin, sex, disability, and religion.

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.
- 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, or an incident motivated by racism, 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 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

¹Future changes to these curriculum standards are likely. The order directs the Superintendent to review the state’s curricula, especially curriculum changes initiated within the last 48 months, and ensure that they do not include the divisive concepts.



Know Your Rights

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.

- o If you plan on posting a symbol of inclusion such as a Black Lives Matter, LGBTQ+ Pride, or DREAMers flag or 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 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 these requirements?

- o The order does not create new enforcement mechanisms, but

Gov. Youngkin set up an email tip line (helpeducation@governor.virginia.gov) to receive complaints from concerned members of the community. His administration has not released any information on the number of emails received, their content, or any process to investigate incidents based on those emails. Nothing in the order or the Superintendent's response provides a way for a parent or student to bring an action directly against a teacher for an alleged violation. Nevertheless a complaint or charge by a parent to a school district, 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 order, and you are a union member, contact your union representative for assistance. You can find your local union's contact information on the Virginia Education Association site [here](#).
- o Your union representative can assist you in reviewing your

rights under state statutes or school policies. If you've been teaching in the same division for more than three years, you likely have a continuing contract, giving you the right to written notice of good cause and the opportunity for representation and a hearing before a school board decision on a recommendation to dismiss you. If you are a new teacher, new to teaching in Virginia, or moved from one Virginia school division to another, you may be employed on an "annual" or "probationary" teaching contract. A recommendation to dismiss you during the annual school contract year requires written notice, good cause, and opportunity for hearing. But district administrators are not required to prove misconduct or inadequacies in your performance as grounds for recommending an annual teaching contract not be renewed. Even then, school districts may not 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).



Know Your Rights

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-campus 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](#)



#TEACHTRUTH