

# KNOW YOUR RIGHTS



#TEACHTRUTH

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## WHAT EDUCATORS SHOULD KNOW ABOUT SOUTH CAROLINA'S STATE BUDGET LIMITATIONS ON THE USE OF STATE FUNDING FOR 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. Despite the rhetoric surrounding them, the new 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 do the new 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 truth about our country.

In South Carolina efforts to pass legislation along these lines failed, but the legislature did attach to the state budget limitations on what state education funds may be used for during the State's 2021-2022 current fiscal year *only*.<sup>1</sup> The following answers some FAQ's about these limitations, which are found in South Carolina's 2021-2022 Appropriation Act. 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**

<sup>1</sup> The House proposed three bills on these subjects. All three bills were referred to the Committee on Education and Public Works, but have not advanced beyond the Committee.



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## Q&A

### What is South Carolina’s 2021-2022 Appropriation Act and what does it do?

- o On June 21, 2021, the South Carolina General Assembly ratified H. 4100, the General Appropriations Bill for Fiscal Year 2021-2022.
- o The full text of the Appropriation Act can be found [here](#).
- o Under Section 1.105 of the Act, none of the funds allocated by the Department of Education to school districts can be used by school districts to train educators “to adopt or believe,” or by educators to purchase textbooks or instructional materials or carry out classroom lesson plans “that serve to inculcate” the following concepts:
  - One race or sex is inherently superior to another race or sex;

- An individual, by virtue of their race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- An individual should be discriminated against or receive adverse treatment solely or partly because of their race or sex;
- An individual’s moral standing or worth is necessarily determined by their race or sex;
- An individual, by virtue of their race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of their race or sex;
- Meritocracy or traits such as a hard work ethic are racist

- or sexist, or were created by members of a particular race to oppress members of another race; and
- Fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex.

- o But the Act specifies that it does not “prohibit[ ] any professional development training for teachers related to issues of addressing unconscious bias within the context of teaching certain literary or historical concepts or issues related to the impacts of historical or past discriminatory policies.”
- o The Act only applies to state funds allocated by the State Department of Education to school districts.<sup>2</sup> It does not apply to local funds.
- o Absent further legislative action, the prohibitions listed in the Act

<sup>2</sup> For FY 2021–2022, more than \$4.3 billion, or 41.0 percent of the General Fund, is appropriated for educational initiatives in South Carolina. The K–12 education General Fund appropriation is \$3,545,719,579 for FY 2021–2022. In addition to the General Fund appropriation, one cent of South Carolina’s sale tax (or \$987,285,024) is earmarked for K–12 education. Additionally, \$68,573,318 from South Carolina’s Education Lottery Account for FY 2021–2022 is earmarked for K–12 education. [See Frequently Asked Questions | Department of Administration - State of South Carolina \(sc.gov\)](#).



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will expire on June 30, 2022, the end of the 2021-2022 fiscal year.

- o Currently, South Carolina's existing curriculum standards, known as the [South Carolina Social Studies College- and Career-Ready Standards](#), remain unchanged.

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

- o Yes - the Act did not alter [South Carolina Social Studies College- and Career-Ready Standards](#), which require educators to teach students about U.S. history, including slavery, abolition, the Civil War, and the Civil Rights Movement. Classroom lessons aligned with those curriculum standards remain defensible, even if they teach students truthful information about the long history of slavery and racism in the U.S. that may make students uncomfortable.
- o As always, you should never teach that any race or sex is inherently superior to another race or sex.

## 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. Discuss these topics in a way that is consistent with [South Carolina Social Studies College- and Career-Ready Standards and any district or school standards](#).

- o If you are planning a classroom lesson about current events or a 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 Nothing in the Act relieves school districts of their obligations under

federal and state law 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 Black Lives Matter 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 school principal or administrator about the importance of making sure that all students feel seen and supported in your classroom and school, and the 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, LGBTQIA+ Pride, or DREAMers flag or poster, and



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have not seen other educators posting similar items in their classroom, make sure to tell your school principal or administrator in advance so that you can address any concerns they may have. If your school principal or another school administrator prohibits you from posting such inclusive signage, consult your union representative about how best to proceed.

## 6 What happens if a parent, student, administrator or member of the community accuses me of violating this pending legislation?

- o The Act only applies to the use of state education funds.
- o If your school district takes action against you for an alleged violation of South Carolina 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 South Carolina Education Association's (SCEA) [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 you or terminate 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 these laws outside of school?

- o Always remember that you have the greatest protection when you are speaking 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 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](#)

**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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