

KNOW YOUR RIGHTS

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#TEACHTRUTH

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KNOW YOUR RIGHTS IOWA (2024) WHAT EDUCATORS SHOULD KNOW ABOUT IOWA'S NEW STATE LAWS

In yet another attempt to divide Americans along partisan and racial lines, lawmakers and policy makers across our country are pushing legislation that seeks to censor classroom discussions on topics like inequity, racism, sexism, sexual orientation, and gender identity. Such censorship stifles students' freedom to learn from the past, to discuss ways of making a better future, to examine our country's darkest moments, and to celebrate its greatest triumphs.

Despite the rhetoric around them, these laws do not prohibit teaching the full sweep of U.S. history. You may still teach about our country's 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 form or another ever since. In line with state standards, you may also still teach about the history of discrimination and violence toward LGBTQ+ people, including about federal laws like "Don't Ask, Don't Tell" and the Defense of Marriage Act that excluded LGBTQ+ individuals from defending and benefiting from the freedoms and liberties that define our country. Nor should these recent laws undermine efforts to ensure that all students, including those from historically marginalized populations, feel seen in the classroom. All students deserve to benefit from culturally responsive and 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 Iowa these divisive efforts have resulted in the enactment of two laws—House File 802 in 2021 and Senate File 496 in 2023. **House File 802** prohibits educators in K-12 schools or institutions of higher education from teaching, advocating, or promoting specific concepts regarding sexism and racism and also prohibits mandatory employee trainings that do the same. **Senate File 496** changes the standards governing the library and curricular materials that may be used in Iowa schools. The new law also requires parental notification of a student's request for accommodations related to gender identity.

The following answers some FAQs about these new laws and provides resources where you can find additional information and help. Regarding Senate File 496, the Iowa State Education Association (ISEA), in partnership with the Iowa Association of School Boards (IASB) and the School Administrators of Iowa (SAI), has provided comprehensive guidance on this law, which can be found [here](#).

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 House File 802 and what does it do?

- o On June 8, 2021, the governor signed [House File 802](#) (“HF 802”) into law, which went into effect July 1, 2021. The Iowa Department of Education (“Iowa DE”) released helpful FAQs on the law (and others) [here](#).
- o The law **prohibits public employees, including K-12 and higher education educators, from teaching, advocating, instructing, or training** any employee or student that:
 - The US or Iowa is fundamentally or systemically racist or sexist.
 - Any race or sex is inherently superior to another race or sex.
 - Anyone, whether “consciously or unconsciously,” is inherently racist, sexist, or oppressive because of their race or sex.
 - Anyone should be treated worse because of their race or sex.
 - People of one race or sex cannot and should not try to treat people the same regardless of their race or sex.
 - One’s moral character is necessarily determined by one’s race or sex.
 - One should, because of their race or sex, bear responsibility for actions committed in the past by members of the same race or sex.
 - One should feel discomfort, guilt, anguish, or other forms of psychological distress because of their race or sex.
 - Or that 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 law specifically permits “discussing” these concepts “as part of a larger course of academic instruction.” The law provides that teaching about “the topics of sexism, slavery, racial oppression, segregation, and discrimination” remains permitted.
- o Iowa DE’s guidance further clarifies that **the law allows “a robust discussion of the causes and consequences of racism, sexism, and oppression.”** The guidance makes clear that teaching about racist or sexist US or Iowa policies is allowed so long as you don’t say that the US and Iowa are “fundamentally or systemically racist or sexist.” Similarly, discussing how to address past discrimination is permitted so long as you don’t ask individuals to “bear responsibility,” because of their race or sex, for past discrimination they did not commit. Finally, **such instruction is permitted even if students feel “discomfort or guilt” when discussing difficult subjects like oppression, so long as you don’t assign blame or imply that**



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students should feel pain because of their race or sex. “Robust discussions of the causes and consequences of racism, sexism, and oppression” are specifically permitted under the Iowa ED guidance.

- o The law also prohibits teaching such concepts in any mandatory training for public employees, but it **does not prohibit training “that fosters a workplace and learning environment that is respectful of all employees and students.”** School district diversity and inclusion efforts shall discourage students from discriminating against each other based on political ideology. School districts shall prohibit such discrimination by staff.

What is Senate File 496 and what does it do?

- o Enacted in 2023, [Senate File 496](#) (“SF 496”) amended Iowa law in several significant ways:
 - The law **requires the removal of any book from school libraries** or classroom collections that “depicts or de-
- scribes a ‘sex act’” no matter the context or overall content of the book;”
- **Prohibits promotion, instruction or programs related to gender identity or sexual orientation** for students in K - 6th grade;
- Allows parents and guardians to **review and challenge certain instructional materials**;
- Creates new **restrictions on sex-related instruction**; and
- Requires **parental notification of accommodation requests related to gender identity**, such as asking to use different pronouns.
- o SF 496 was signed into law by the governor on May 26, 2023. On December 29, 2023, a federal trial court enjoined enforcement of the book removal provisions. Those provisions are not currently being enforced pending the outcome of that case, which is now before the appeals court.
- o The Act’s **Library Materials** provision restricts school libraries to “age-appropriate materials” only, defining “age-appropriate” as: topics, messages, and teaching methods suitable to particular ages or age groups of children and adolescents, based on developing cognitive, emotional, and behavioral capacity typical for the age or age group. “Age-appropriate” does not include any material with descriptions or visual depictions of a sex act.
 - This book banning provision requires school libraries to establish procedures that would allow parents and guardians to request removal of books and other library materials they claim are not “age appropriate.” Removal requests are investigated by the Iowa ED, and a finding that the materials are not age appropriate could subject the school district or employees to graduated disciplinary action for each offense.
- o SF 496’s **Prohibition on Instruction related to Sexual Orientation and Gender Identity** would prohibit a school district from providing any program, curriculum, test, survey, questionnaire, promotion, or instruction relating to gender identity or sexual orientation to

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students in kindergarten through 6th grade. Iowa law defines “gender identity” as a gender-related identity of a person, regardless of the person’s assigned sex at birth. “Sexual orientation” is defined as actual or perceived heterosexuality, homosexuality, or bisexuality.

o **Parental Curricular Challenges.**

Under this provision, parents and guardians may review and challenge instructional materials, like printed or electronic textbooks and related core materials. However, lesson plans do not qualify as instructional materials, and thus need not be provided for parental review. Parents may also request to opt their student out of certain instructional materials.

- o SF 496’s **Parental Notification** provision requires school districts to **notify parents and guardians if a student requests a gender identity related accommodation**, including requesting to use a name or pronoun different from the name or pronoun in the student’s registration records. Additionally, practitioners are prohibited from knowingly giving

a parent or guardian false or misleading information regarding the student’s gender identity or intention to transition to a gender that is different than the sex listed on a student’s official birth certificate.

- The Iowa ED is responsible for enforcing this provision, and employees found in violation of this section are subject to graduated discipline for each offense.
- o The law also includes **new restrictions on sex-related instruction, limiting instruction on human sexuality to grades 7 and above.**
- o **For a more in-depth analysis of SF 496, see the joint ISEA/IASB/SAI guidance: [FAQ: Senate File 496](#)**

FAQs and Best Practices

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

- o Yes, so long as you don’t describe the US or Iowa as **systemically or fundamentally racist or sexist**. Neither of these new laws

change Iowa’s [K-12 Core Social Studies Standards](#), which provide that students are expected to understand the complex causes and effects of important events in American history, including diverse contributions to American history and culture and Iowa history; assess “the impact of individuals and reform movements on changes to civil rights and liberties;” explain “the patterns of and responses to immigration on the development of American culture and law;” and analyze “the effects of urbanization, segregation, and voluntary and forced migration within regions of the U.S. on social, political, and economic structures.”

- o As always, you should never teach that any sex or race is inherently superior or inferior. The new state law prohibits such instruction, as do many other state and federal laws.

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

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professional and age-appropriate ways: with the exception of the prohibition against teaching that the U.S. or Iowa are fundamentally or systematically racist or sexist, the Iowa law does not constrain your ability to answer tough questions and encourage critical thinking among your students, even if those questions arise organically.

- o The Iowa law allows for discussions about racism and oppression, but 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 best practice. You may want to notify or get approval from your administration of particular instructional approaches that are likely to be controversial.

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 a racially inclusive environment at my school? / Can I display BLM flags, etc. in my classroom?

- o School districts may continue to promote an inclusive environment. 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 sign, a Dreamers poster, or a Pride Flag, 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.

What happens if a parent, student, administrator or member of the community accuses me of violating House File 802?

- o House File 802 does not create a specific mechanism for a parent or student to bring an action directly against a teacher for an alleged violation, but other means such as complaints against your licensure may still be used. School district superintendents must ensure compliance with the rule subject to oversight by the Iowa Department of Education.
- o If your school district takes action against you for an alleged violation of the new law, and you are represented by a union, contact your union for assistance. You can find your local union's contact information on the Iowa State Education Association site [here](#).
- o Your union representative can assist you in determining what rights you have under any collective bargaining agreement with



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your school district and under Iowa's tenure law. If you have been teaching in the same school district in Iowa for at least three years, you likely have tenure, meaning that your school district must have good reasons to either fire you or fail to renew your contract. If you are still in your probationary period, you likely have an annual contract meaning that your district can't fire you during that contract without just cause but can choose not to renew your contract at the end of the year for any reason or no reason. Even then, school districts can't 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 should I address transgender and gender non-conforming students?

- o The new Iowa law does not require schools to receive parent or guardian permission to address transgender and gender non-conforming students with accurate names or pronouns; it

only requires schools to report students' requests to parents and guardians. Educators may and should continue to support and affirm LGBTQ+ students.

How should I handle a student's gender-identity related accommodation?

- o The guidance released by the Iowa State Education Association (ISEA), Iowa Association of School Boards (IASB) and the School Administrators of Iowa (SAI), describes a "cautious approach" to a student's request, calling for an employee to report the request to an administrator, who would then report the request to the student's parent. The guidance further provides for a "more moderate approach": "[P]rior to notifying the administration, the school employee would first inform the student that such a request will require school employees to inform the student's parents or guardians. Upon learning of this requirement, if the student then withdraws the request for accommodation, it is the interpretation of some Iowa school law attorneys that no-

tification of administrators and subsequently parents or guardians is not required. However, even if such notification is not required, notification may nonetheless be made, and school employees must honestly answer questions from parents or guardians regarding the student's gender identity or sexual orientation."

How should I handle anti-LGBTQ+ bullying and/or harassment of students?

- o Many educators are concerned that laws like these impact LGBTQ+ students in ways that open the door to discrimination and harassment by treating sexuality and gender as deviant or wrong. Federal laws protect students—and educators—from mistreatment based on sexual orientation and gender identity.
- o The Biden administration has interpreted Title IX of the Education Amendments of 1972 to prohibit discrimination and harassment based on gender identity and sexual orientation. That means that schools may not discriminate against or create a

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hostile environment for students based on their sexual orientation or gender identity. For steps schools can take to confront anti-LGBTQ+ discrimination and harassment in schools and examples of such harassment, consult this [guidance](#) from the U.S. Department of Education and the U.S. Department of Justice. Harassment and discrimination can be reported to the U.S. Department of Education Office of Civil Rights, [here](#), or to the U.S. Department of Justice, [here](#).

What if I am the subject of anti-LGBTQ+ bullying and/or harassment?

- o Public (and private) school employees are protected under Title VII of the Civil Rights Act, which prohibits discrimination against employees based on numerous characteristics, including sex, inclusive of gender identity and sexual orientation. This means that employers cannot consider an employee's sexual orientation or gender identity when deciding who to hire, fire, or promote, or in assigning responsibilities, setting salary, providing benefits,

or determining any other significant aspect of employment. School and district employees are also protected by Title IX, which provides protection against discrimination in fringe benefits; selection and financial support for training and conferences; employer-sponsored activities, including those that are social or recreational; and leave related to pregnancy, childbirth, and termination of pregnancy.

- o Employers also cannot harass employees based on their LGBTQ+ status or allow others to create a hostile work environment for LGBTQ+ employees. For example, a school district may not prohibit only LGBTQ+ educators from answering students' questions about their families, may not prohibit recognition and discussion in class only of LGBTQ+ families, and may not require that only LGBTQ+ students hide their sexual orientation or gender identity at school.
- o Educators who have been discriminated against or harassed based on their LGBTQ+ status

may file a complaint with [the Equal Employment Opportunity Commission \(EEOC\)](#).

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 as an individual citizen 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-school events, but you should not use your authority as their teacher to urge students to participate.
- o Sign the NEA EdJustice [Honesty in Education pledge](#) to show your support for teaching the truth and the NEA EdJustice Stand Against Hate and Bias pledge to show your support for LGBTQ+ students and educators and stay up to date on the education justice movement.



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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](#)
- o [Iowa Department of Education, 2021 Legislation Webinar Series: Intellectual Freedom, Diversity Training, and Pledge of Allegiance](#), <https://www.youtube.com/watch?v=V2TPjEeVUEU>
- o [Iowa Department of Education, 2021 Legislative Session: Equity, Inclusion, and Free Speech](#), https://educateiowa.gov/sites/files/ed/documents/2021-07-02_Diversity-FreeSpeechGuidance.pdf
- o [ISEA, IASB and SAI, FAQ: Teaching and Promoting Equity, Diversity and Inclusion in Schools](#), https://isea.org/wp-content/uploads/2021/08/w-logd-and-Disclaim-IASB-ISEA-SAI-Equity-Diversity-Inclusion-FAQ_7-28-21.pdf
- o ISEA, Honest History: How teaching changes with the "Divisive Concepts" law, <https://youtu.be/30kS9t-DjG8>
- o SEA, IASB, and SAI: [FAQ: Senate File 496](#)
- o [NEA's What Educators Should Know About LGBTQ+ Rights](#)
- o [NEA EdJustice's Supporting LGBTQ+ Youth page](#)
- o [NEA's Educator Advocacy Guide](#)
- o The portion of this resource addressing HB 802 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.

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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