

# KNOW YOUR RIGHTS



#TEACHTRUTH

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## WHAT EDUCATORS SHOULD KNOW ABOUT THE NEW UTAH RULE ON INSTRUCTING STUDENTS ABOUT OUR COUNTRY'S HISTORY

Special interest groups 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 around them, these 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 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-inclusive curricula and pedagogical tools that teach the truth about our country.

In Utah, those efforts have resulted in the adoption of a new rule by the State Board of Education that governs how certain instruction is provided. The following answers some FAQs about the new Utah rule.

*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 rule and what does it do?

- o On June 3, 2021, the Utah State Board of Education adopted a new rule, “R277-328 Educational Equity in Schools,” which is linked [here](#) and took effect on August 9, 2021.
- o The rule requires districts to provide educators with professional development on “educational equity” including in how to foster “a learning environment and workplace that are safe and respectful of all students and educators,” “implementing principles and strategies of inclusion,” and “defending intellectual honesty including freedom of inquiry, speech and association.”
- o The rule also prohibits the promotion or endorsement of the following concepts in professional development for educators or the instruction of students:
  - a student’s or educator’s sex, race, religion, sexual orientation, gender identity or membership in any other protected class (“protected characteristics”) is inherently superior or inferior;
  - such protected characteristics determine the content of the student’s or educator’s character including their values, morals, or personal ethics;
  - a student or educator bears responsibility for the past actions of individuals with those same protected characteristics; and
  - a student or educator should be discriminated against or receive adverse treatment because of those protected characteristics.
- o The rule expressly provides that it does not “prohibit or ban discussions of events, ideas, attitudes, beliefs, or concepts” as part of “the general sharing and participation in the marketplace of ideas fostered in a learning environment.” At the same time, educators may not “promote one ideology over another.”
- o The rule is enforced through the same formal complaint process that schools use for concerns of fraud, waste, abuse or noncompliance. The State Superintendent must also create models for the professional learning, which will be approved in an open and public meeting of the Board. The professional development provided by school districts shall be available to parents upon request.
- o Utah Social Studies Standards Remain Intact: Utah’s Standards for Social Studies are divided into grades [K-2](#), [3-6](#), and [7-12](#); the elementary school standards are currently being revised but currently are unchanged.

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

- o Yes! Utah’s Standards for Social Studies are divided into grades



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[K-2](#), [3-6](#), and [7-12](#), and, as noted above, they remain intact. Elementary school students must learn about the rights of different populations over time in both Utah and the United States. Middle and high school students learn about slavery and the Civil Rights Movement. The state’s suggested guidance questions for U.S. history include, e.g. “[h]ow do people work and organize to respond to systemic domestic problems such as economic inequality, racism, or environmental degradation?” (U.S. II Strand 8).

## What curricula or pedagogical approaches are clearly prohibited by this new law?

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

## 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; nothing in this rule should constrain your ability to answer tough questions and encourage critical thinking among your students, including when those questions arise organically. Indeed, the rule recognizes that educators may discuss any “events, ideas, attitudes, beliefs, or concepts” as part of “the general sharing and participation in the marketplace of ideas fostered in a learning environment,” so long as the educator does not “promote one ideology over another.”

- o If you are planning discussions about current events that raise racial issues, be sure your curriculum is age-appropriate, transparent, neutral and squarely in line with state standards and past practices. You may want to notify or get approval from your administration as well if a particular instructional approach is likely to generate controversy in your classroom or the community.
- o You do not, however, need to avoid discussions or readings that may be deeply provocative and upsetting. Confronting the horrors of slavery and the continuing

legacy of racism in our country is upsetting, but the new rule does not ban all emotional discussions.

## What if there is a racial incident in the school?

- o Nothing in the new rule 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 and that is age-appropriate, 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 principal about the importance of making sure that all students feel seen and supported in your



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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, its best practice to check with your building representative or UniServ director first to be informed about all current policies and directives. You may also want to tell your principal in advance so that you can address any concerns they may have up front. If your principal or another school administrator prohibits you from posting such inclusive posters, comply with the directive first, then consult your association representative about how best to proceed.

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

- o The rule uses a complaint system already in place in Utah. Every school district must create a hotline, which can be a phone number, email, or online complaint form, and publish it on their website, where stakeholders can report violations. A complaint 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 rule, and you are a member of the Association, contact your building representative or UniServ Director for assistance. You can find your local associations's contact information on the Utah Education Association site [here](#). Your representative

can assist you in determining what rights you have. If you have been teaching in the same school district in Utah for more than three years and are professionally licensed, you likely have an expectation of continued employment. That means your school district must give you at least written notice and a right to be heard (“due process”) before they can fire you or fail to renew your contract. If you are not career status (you are provisional, temporary, or on a one year contract), your school district generally can choose not to renew your contract for any reason or no reason. Even then, school districts can't choose not to renew your contract for an unlawful reason, such as your race or sex, or as punishment because you properly exercised your free speech rights outside of school (as described below).



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## How can I support my students / oppose this rule 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 – and about a matter of great public concern for example, by speaking at a school board meeting, attending a rally, writing a letter to the editor, or posting on Facebook (private Facebook page and not one associated with your employment) 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?

- 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.
- o State specific opportunities can be found on the UEA Website: [myuea.org](http://myuea.org)
  - [Under the Dome](#)
  - [Teaching The Truth Tool Kit](#)
  - [Educator Day on the Hill](#)
  - [Policy Ambassador](#)

## 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 [MyUEA.org](http://MyUEA.org)

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