

# KNOW YOUR RIGHTS

MISSISSIPPI



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#TEACHTRUTH

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# Know Your Rights



## WHAT EDUCATORS SHOULD KNOW ABOUT MISSISSIPPI'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 most of 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 Mississippi, these efforts resulted in Senate Bill 2113, entitled "Critical Race Theory." Senate Bill 2113 adds a new subsection to Chapter 13 of Mississippi's Education Code regarding curriculum, school year, and attendance.

The following answers some FAQ's about Senate Bill 2113. If you or a colleague feel your ability to teach the truth is stifled by how your district is interpreting or enforcing Senate Bill 2113, 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 represented by a union, reach out to your local representative for assistance. You can join the Mississippi Association of Educators, Mississippi's largest educator union [here](#). 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



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## Q&A

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

- o Senate Bill 2113 is effective now (signed into law by Governor Reeves on March 14, 2022). Full text [here](#).
- o The law adds a new subsection to the Chapter 13 of Mississippi's Education Code. Specifically, the law:
  - ✦ Prohibits public institutions of higher learning, including community/junior colleges, school districts, and public schools, including public charter schools, from:
    - » Directing or compelling students to “personally affirm, adopt or adhere to” the belief that:
      - ◇ Any sex, race, ethnicity, religion or national origin is inherently superior or inferior; or
      - ◇ Individuals should be adversely treated on the basis of their sex, race, ethnicity, religion or national origin.
    - » Making a distinction or classifying students based on race, except as required to collect and report demographic information.

- » Teaching a course of instruction or unit of study that directs or compels students to “personally affirm, adopt or adhere to” the belief that:
  - ◇ Any sex, race, ethnicity, religion or national origin is inherently superior or inferior; or
  - ◇ Individuals should be adversely treated on the basis of their sex, race, ethnicity, religion or national origin.
- o The law also prohibits the State Department of Education, the Mississippi Community College Board, the Board of Trustees of State Institutions of Higher Learning, public institutions of higher learning, including community/junior colleges, school districts, and public schools, including public charter schools, from allocating funds for any purpose that would violate the prohibitions listed above.

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

- o Yes! Neither law alters Mississippi's [College- and Career-Readiness Standards for the Social Studies](#), which require educators to teach students about American and world history, civil rights, government, economics, and geography, based on the students' grade level.
- o The law does not prohibit classroom lessons on race, racism, white supremacy, chattel slavery, Reconstruction, Jim Crow laws, the civil rights movement, and systemic inequality.
- 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 Classroom lessons aligned with Mississippi's [College- and Career-Readiness Standards for the Social Studies](#) curriculum standards remain defensible.



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- 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 Mississippi's [College- and Career-Readiness Standards for the Social Studies](#) curriculum 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, or an incident motivated by racism, in the school?

- o Senate Bill 2113 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.

- 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 Mississippi Department of Education may prompt an investigation and/or disciplinary procedures action against you for failure to comply with state laws or school district policies.
- o If your school district or the Mississippi Education Agency takes action against you for an alleged violation 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 Mississippi Association of Educators [website](#).



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- 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, 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 Join the Mississippi Association of Educators, Mississippi's largest educator union [here](#).
- 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 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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