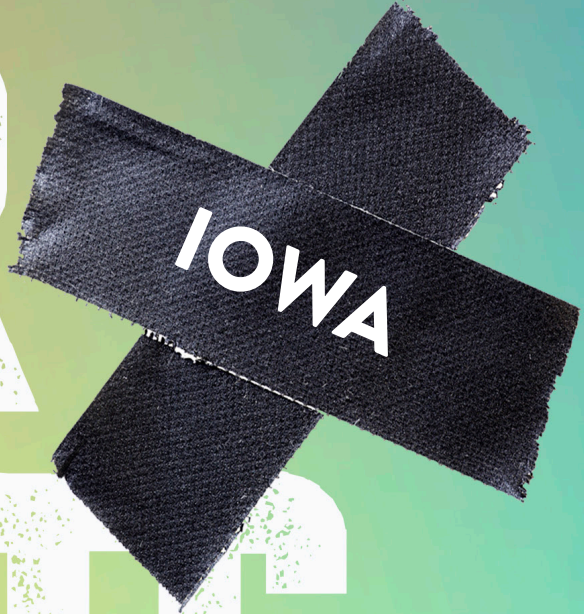


# KNOW YOUR RIGHTS



**ISEA** Iowa State  
Education Association

**nea** NATIONAL  
EDUCATION  
ASSOCIATION

**#TEACHTRUTH**

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# Know Your Rights



## WHAT EDUCATORS SHOULD KNOW ABOUT IOWA'S NEW 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 on racism, sexism and inequity in public school classrooms. The laws enacted to date generally 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 form or another ever since. Nor should the 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 Iowa those efforts resulted in the passage of a new law this past June. The following answers some FAQ's about the new law and provides resources where you can find additional information and help.

*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 the new Iowa law and what does it do?

- o On June 8, 2021, the governor signed [House File 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 U.S. 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.
- 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 students should feel pain because of their race or sex. “Robust discussions of the causes and consequences



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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 discriminating against each other based on political ideology. School districts shall prohibit such discrimination by staff.

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

- o Yes, so long as you don’t describe the U.S. or Iowa as systemically or fundamentally racist or sexist. The rule does not 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 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 past 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.



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## How can I continue to foster an 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 or a DREAMers 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.

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

- o The new law does not create a mechanism for a parent or student to bring an action directly against a teacher for an alleged violation. 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 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 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



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editor, or posting on Facebook or other social media. You can join students at 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 America 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](#)
- o [Iowa Department of Education, 2021 Legislation Webinar Series: Intellectual Freedom, Diversity Training, and Pledge of Allegiance.](#)
- o [Iowa Department of Education, 2021 Legislative Session: Equity, Inclusion, and Free Speech.](#)
- o [ISEA, IASB and SAI, FAQ: Teaching and Promoting Equity, Diversity and Inclusion in Schools.](#)
- o [ISEA, Honest History: How teaching changes with the "Diverse Concepts" law.](#)

**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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