

# KNOW YOUR RIGHTS

OKLAHOMA



#TEACHTRUTH

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## WHAT EDUCATORS SHOULD KNOW ABOUT OKLAHOMA'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 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 or another form 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 full history of our country.

In Oklahoma those efforts resulted in the passage of a new law this past May. The following answers some FAQs about the new law and provides resources where you can find additional information.

*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 the new Oklahoma law and what does it do?

o On May 10, 2021, Oklahoma passed House Bill No. 1775, which is linked [here](#) and took effect on July 1, 2021. A State Board of Education rule providing guidance is available [here](#).

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o For K-12 schools including charter schools, the law prohibits teaching that:

- One race or sex is inherently superior to another race or sex.
- One’s moral character is necessarily determined by their 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.

- Members of one race or sex cannot and should not attempt to treat others without respect to 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.
- Any 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 one race to oppress members of another race.

- o Importantly, the law expressly provides that it does not prohibit teaching concepts that are consistent with the Oklahoma Academic Standards.
- o The [rules](#) promulgated by the Oklahoma State Board of Education provide that the Prohibited

Concepts listed above shall not be used in:

- Any instruction in the K-12 schools including coaching and tutoring.
- Any textbooks, instructional materials, curriculum, classroom assignments, orientation, interventions, or counseling.
- Diversity, equity, or inclusion plans.
- Any mandatory diversity training of employees, contractors, parents or students.
- The rules further prohibit policies, including grading or admissions policies, or providing any other benefit or service differently on the basis of race or sex, unless specifically permitted by Title IX. This prohibition includes segregated classes, programs, training sessions, extracurricular activities, or affinity groups unless otherwise permitted by Title IX.



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- o The law is enforced via a community complaint process that public schools must establish and notify the public of. The complaint process must provide for the investigation and resolution of written and specific complaints within 90 days. Failure to do so may jeopardize a school's accreditation.
  - o Complaints of violations may be filed instead with the State Department of Education, as can complaints that a school district has not investigated or has incorrectly resolved any complaint. In investigating complaints, the Department must determine whether to suspend the license or certificate of any school employee who is found to have violated the law. For willful violations, the Department must initiate proceedings to revoke the employee's license or certificate.
- with the [Oklahoma Academic Standards](#).
- o The Oklahoma Academic Standards require instruction on the history of slavery and race relations in the United States as well as in Oklahoma more specifically, including the causes of the Tulsa Race Riot and its continued social and economic impact (OKH.5.2).
  - o The Academic Standards also require that students are taught about the historical impact of federal and state policies on Native American identity, culture, tribal government and sovereignty (OKH.3; OKH.5.1) as well as the history of the plantation system (8.9), the Civil War, (8.10.), the Reconstruction era (8.12; UHS.1) and the Civil Rights struggles (USH.1.2, USH.7.1).
  - o The Academic Standards also require that students are taught to analyze the “ongoing social and political transformations within the United States” (USH.7.2) and to examine contemporary issues including immigration, criminal justice reform and race relations (OKH.6.9).

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

- o Yes, the law does not prevent the teaching of history and social studies or any other subject matter area that is in compliance

## **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 state law 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 these laws should constrain your ability to answer tough questions and encourage critical thinking among your students, even if those questions arise organically.
- o If you are planning discussions about current events that raise racial issues, be sure your curriculum is age-appropriate and squarely in line with state standards and past practices. You may want to notify or get approval



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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 laws do not ban all emotional discussions.

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## **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 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 BLM 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 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 up front. 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 law?**

- o Every school district, as noted above, must have a process to investigate any specific written complaints within 90 days' time. The rules describe the complaint resolution process. You need to know that the State Department of Education is obligated to take action against educators' license or credential if the Department concludes that the educator violated the law.
- o If your school district initiates an investigation against you, contact your local union for assistance in responding.

## **How can I support my students / oppose these laws outside of school?**

- o Always remember that you have the greatest protection when you



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are speaking up 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 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](#)

**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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