

KNOW YOUR RIGHTS

FLORIDA



#TEACHTRUTH

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WHAT EDUCATORS SHOULD KNOW ABOUT FLORIDA'S 2022 "STOP WOKE ACT," AND 2021 STATE RULE ON STUDENT INSTRUCTION

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 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 benefit from curriculum that teaches the truth about our country and prepares students to meet the demands of a changing and increasingly globalized world.

In Florida, these censorship efforts have resulted in the adoption of a 2021 rule by the State Board of Education that governs how certain instruction is provided as well as a new law, commonly referred to as the "[Stop WOKE Act](#)," that limits certain forms of instruction and workplace training¹ The following answers some FAQ's about the 2021 Florida rule and the new law as well as its application in K-12 schools. If you or a colleague feel your ability to teach the truth is stifled by how your district is interpreting or enforcing the Florida rule or law, you can take action. Just remember that your speech as a public employee is not always protected, but it usually is protected when you speak out outside of work, particularly while engaging in concerted activities organized by your union. If you are represented by a union, reach out to your local representative for assistance. 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**

¹Florida also recently passed a law limiting classroom discussion about sexual orientation and gender identity. For more information on that law, check out NEA's resource, [What You Need to Know about Florida's 'Don't Say Gay or Trans' Bill](#).

Q&A

What is the Stop WOKE Act and what does it do?

o On April 22, 2022 Gov. DeSantis signed HB 7, known as the Stop the Wrongs to Our Kids and Employees (WOKE) Act. The new law is [here](#) and will go into effect July 1, 2022.

4 o The law prohibits employers, including private employers, and public schools K-20 from requiring employees or students to go through training, instruction or any other kind of required activity that “espouses, promotes, advances, inculcates, or compels” the individual to believe:

- That any person by virtue of his or her race, color, sex, or national origin (“protected characteristics”):
 - “is inherently racist, sexist, or oppressive, whether consciously or unconsciously;”
 - “bears responsibility for, or should be discriminated against or receive adverse treatment because of,

actions committed in the past by other members of the same race, color, sex, or national origin;”

- “bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the individual played no part, committed in the past by other members of the same race, color, sex, or national origin;”
- “should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion;”

• That anyone’s “moral character or status as either privileged or oppressed is necessarily determined by his or her” protected characteristics or that members of one race, color, sex, or national origin:

- “are morally superior to members of another race,

color, sex, or national origin” or

- “cannot and should not attempt to treat others without respect” to their protected characteristics.

• That virtues such as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, sex, or national origin to oppress others based on their protected characteristics.

o The law also prohibits employers from requiring this training as part of any credentialing, licensing, examination, or certification.

o **But the law does not prohibit discussing those concepts as part of instruction or training so long as the instruction is “given in an objective manner without endorsement.”**

o The law also expands what must be taught about African American history by:



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- Requiring that students “develop an understanding of the ramifications of prejudice, racism, and stereotyping on individual freedoms, and examine what it means to be a responsible and respectful person, for the purpose of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.”
- Requiring instruction on the “roles and contributions of individuals from all walks of life and their endeavors to learn and thrive throughout history as artists, scientists, educators, business people, influential thinkers, members of the faith community, and political and governmental leaders and the courageous steps they took to fulfill the promise of democracy and unite the nation” and that “celebrate[s] the inspirational stories of African Americans who prospered, even in the most difficult circumstances” and instructs students on the “vital contributions of African Americans.”
- o Educators can still teach about how “slavery, racial oppression,

racial segregation, and racial discrimination” have “infringed” the “individual freedoms of persons,” and about the enactment and “enforcement of laws resulting in facial oppression, racial segregation, and racial discrimination,” so long as they do it in “an age-appropriate manner” and do not “indoctrinate or persuade students to a particular point of view inconsistent with” the state academic standards or the prohibitions described above.

What is this new State Board of Education rule and what does it do?

- o On July 26, 2021, the Florida State Board of Education amended 6A-1.094124, its rule for Required Instruction Planning and Reporting. The 2021 rule is [here](#).
- o The rule requires “instructional staff in public schools” to teach the existing state standards in a “factual and objective manner” in a way that is “age appropriate” and does not “suppress or distort significant historical events, such as the Holocaust, slavery, the Civil War and Reconstruction, the civil rights movement and the

contributions of women, African American and Hispanic people to our country.”

- o Florida’s existing standards remain unchanged and are the [Next Generation Sunshine State Standards](#) and the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards for [Language Arts](#) and [Mathematics](#).
- o However, the rule specifically prohibits teaching “Critical Race Theory,” which the rule defines as teaching that “racism is not merely the product of prejudice, but that racism is embedded in American society and its legal systems in order to uphold the supremacy of white persons.” The rule also prohibits the use of any materials from the [1619 Project](#) or “defining American history as something other than the creation of a new nation based largely on universal principles stated in the Declaration of Independence.”
- o The rule also provides that instructors cannot share their personal views with students or try to “indoctrinate” or persuade them to accept viewpoints that are contrary to the state standards.



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- o The rule is enforced through annual reporting by school districts (with the first due in July of 2022). The Commissioner of Education also can investigate alleged violations of the rule and take action against school districts to remedy violations.

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

- o As explained above, the new 2022 law alters Florida's state law on instructing students about African American history but not in a way that prohibits age-appropriate instruction on slavery, abolition, the Civil War, and the Civil Rights Movement.² The revisions underscore that students must be taught about the vital contributions of African Americans and the ramifications of prejudice, racism and stereotyping.³
- o The 2021 rule does prohibit using the 1619 Project or any of the curriculum materials associated with the 1619 Project in your lessons. The rule does not list what materials are prohibited, but

it is reasonable to conclude that the rule prohibits using materials labeled as 1619 materials, which would include the [essays](#) published in The New York Times Magazine as part of the original 1619 project, the [1619 Project Curriculum](#), created by the New York Times and the Pulitzer Center, [The 1619 Project Podcast](#), or the new book, [The 1619 Project: A New Origin Story](#). Lessons based on the 1619 Project are not a part of Florida's teaching curriculum and are not widely taught by Florida's educators. Any instruction using the 1619 Project could expose you to discipline.

- o The rule also prohibits teaching in any way that defines "American history as something other than the creation of a new nation based largely on universal principles stated in the Declaration of Independence." While this language is certainly vague, teaching the tenets of the Declaration of Independence as an aspiration of the founders would appear to comply with the new rule.

- o As always, you should never teach that any sex or race is inherently superior or inferior. Many state and federal laws, including the Stop WOKE Act, prohibit discriminating against students based on race, color, national origin, sex, disability, and religion.⁴

What if my students ask about current events that raise issues of systemic racism?

- o As an educator you are entrusted to handle difficult questions in professional and age-appropriate ways that inspire critical thinking and constructive dialogue. The Florida rule requires that educators before serve as facilitators for student discussion, **but do not share their personal views or attempt** to indoctrinate or persuade students to a particular point of view that is inconsistent" with state standards.
- o 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. A best practice

²The law also requires the Dep't of Education to prepare and offer new standards and curriculum regarding African American history, possibly with the help of the Commissioner of Education's African American History Task Force.

³ Florida Statute 1003.42(2)(f), (h), (p), (q), available [here](#)

⁴For example, the Florida Educational Equity Act, Florida Statute 1000.04(2)(a), linked [here](#).



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would be to get written approval from your administration as well 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 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 an inclusive environment at my school? / Can I display a Black Lives Matter flag, 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 class-

room and ways that the school can make sure this happens.

- o If you plan on posting a symbol of inclusion such as a Black Lives Matter, LGBTQ+ Pride, or DREAMers flag or poster, and have not seen others posting similar items in their classroom, make sure to consult with your principal in advance so that you can address any concerns they may have. It is important to remember that all supplemental instructional materials, such as movies, should follow your school district's vetting and approval process. If your principal or another school administrator prohibits you from posting such inclusive posters, consult your union representative about how best to proceed. Never post overtly political materials in your classroom without clear written authorization to do so.

What happens if a parent, student, administrator or member of the community accuses me of violating these requirements?

- o The 2021 rule is enforced by the State Commissioner of Education by way of actions against

school districts. Under the 2022 law, families can sue their school district for violations of this law. A complaint or charge by a parent to a school district, may also prompt a school district or the Board of Education to initiate a disciplinary action against you. In turn, the same complaint may be reported to the Florida Department of Education for possible action against the Florida Educator's Certificate.

- o If your school district takes action against you for an alleged violation of the rule or law, and you are represented by a union, contact your union promptly for assistance. You can find your local union's contact information on the Florida 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 also under Florida tenure law. Remember that Florida discontinued professional service and continuing teacher contracts in 2011 for teachers who had not already achieved that status. If you are



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a teacher who was hired after 2011, you likely have an annual contract meaning that your district cannot fire you during that contract year 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 may not non-renew your contract for an unlawful reason, such as your race or sex, or as punishment for properly exercising your First Amendment rights outside of school (as described below). School support personnel (ESPs) can still earn continuing contract status in Florida, which is the equivalent to teacher tenure.

- o Please know that your FEA Legal Services Department is here for you. Should you face disciplinary action, or an allegation against your teaching certificate, the FEA Legal Services Department will help defend you.

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

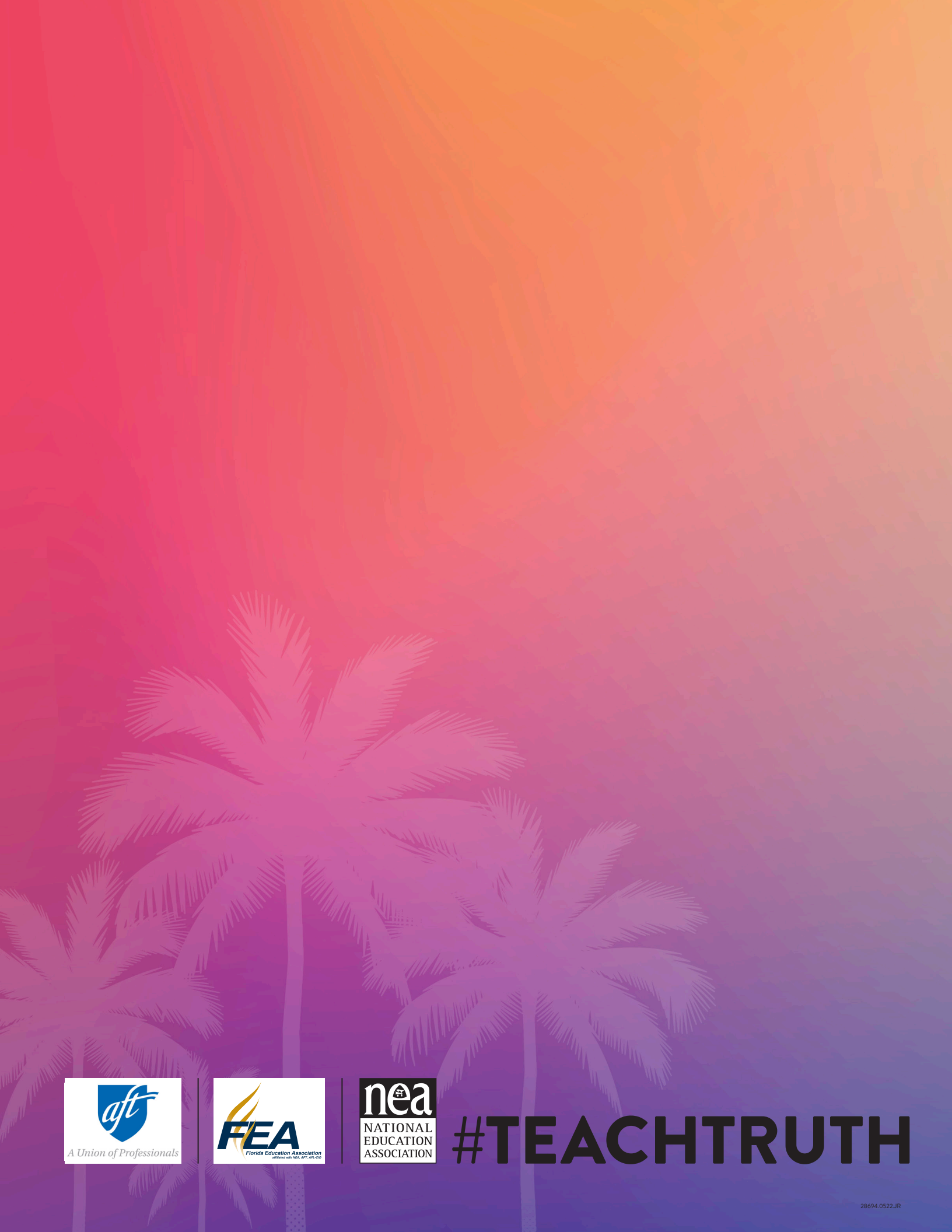
- o Always remember that you have the greatest protection when you are speaking up off work time through your union's concerted efforts, such as, by speaking at a school board meeting, attending a rally, or writing a letter to the editor in a union representative role. You can join students at these off school events, but you should not use your authority as a school district employee to urge students to participate nor facilitate or initiate these student-led events.

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 American Policy Forum #TruthBeTold Campaign](#)
- o [Partnership for the Future of Learning's messaging guide: Truth in Our Classrooms Bridges Divides](#)
- o [Share My Lesson's Social Justice Issues: Lesson Plans, Resources, and Activities.](#)



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