

KNOW YOUR RIGHTS



#TEACHTRUTH

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WHAT EDUCATORS SHOULD KNOW ABOUT GEORGIA'S "PROTECT STUDENTS FIRST ACT"

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, most of 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 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 Georgia those efforts have resulted in a new law, entitled the "Protect Students First Act," which amends and adds new sections to the state's Education Code. The following answers some FAQs about the new law.

If you or a colleague feel your ability to teach the truth is stifled by how your district is interpreting or enforcing the Georgia law, 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 the Georgia Association of Educators, you can find your local union's contact information on GAE's [website](#). You can also 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**

Q&A

What is this new law and what does it do?

- o HB 1084, entitled the “Protect Students First Act,” (hereinafter “PSFA”) became effective on July 1, 2022. Full text [here](#).

New Code Section

- o The PSFA adds a new section to the Education Code that requires local boards of education, local school superintendents, and charter schools to:
 - Prohibit discrimination against students and other employees based on race;
 - Ensure that curricula and training programs encourage employees and students to practice tolerance and mutual respect and to refrain from judging others based on race; and
 - Prohibit curriculum, classroom instruction, or mandatory training programs that “advocate for divisive concepts.” According to the Act, divisive concepts include the view that:

- One race is inherently superior to another race;
 - The United States of America is fundamentally racist;
 - An individual, by virtue of his or her race, is inherently or consciously racist or oppressive toward individuals of other races;
 - An individual should be discriminated against or receive adverse treatment solely or partly because of his or her race;
 - An individual’s moral character is inherently determined by his or her race;
 - An individual, solely by virtue of his or her race, bears individual responsibility for actions committed in the past by other individuals of the same race;
 - An individual, solely by virtue of his or her race, should feel anguish, guilt, or any other form of psychological distress;
 - Performance-based advancement or the recognition and appreciation of character traits such as a hard work ethic are racist or have been advocated for by individuals of a particular race to oppress individuals of another race; or
 - Any other form of race scapegoating or race stereotyping.
- o The new law also requires each local board of education and charter school to adopt a complaint resolution policy to address alleged violations of the PSFA. Such policies must require written reasonably detailed complaints, submitted by a parent, student or staff member of the school where the alleged violation occurred, which are resolved in a limited time period and are subject to



review by the governing school board and then by the State Board of Education.

- o The PSFA also gives parents, students, school administrators, teachers, or other school personnel the right to request non-confidential records from local school superintendents and school principals if they “reasonably believe” the records “may substantiate a complaint” in the school they or in which they work. Superintendents and Principals must produce the records within thirty days.

Certification Requirements

- o The PSFA amends the certification requirements for elementary and secondary school educators by prohibiting any requirement that educators participate in or complete a training program in which “divisive concepts . . . are advocated for.”
- o The new law also prohibits the Professional Standards Commission from establishing rules, regulations, requirements, or procedures that require educators

to participate in or complete any training program in which “divisive concepts . . . are advocated for.”

Learning Environment and Discipline

- o The PSFA amends the state’s Improved Student Learning Environment and Discipline Act by prohibiting training programs in conflict management and resolution and cultural diversity that advocate for “divisive concepts.”

Professional Standards

- o The PSFA amends the Georgia Professional Standards Act by prohibiting the Professional Standards Commission from adopting standards of performance or a code of ethics that require educators to participate in or complete any training program in which “divisive concepts . . . are advocated for.”

Quality Basic Education

- o The PSFA amends the state’s Quality Basic Education Act to, among other things, cut athletic funding for any high school that violates this Act.

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

- o Maybe. Some school boards, school district administrators and/or school principals have interpreted the PSFA to prohibit some of the topics required by Georgia’s Standards for Excellence for Social Studies for grades K-12, which require educators to teach students about history, government/civics, economics, and geography, based on the students’ grade level: [Elementary School](#); [Middle School](#), and [High School](#).
- o Because the new law does not adequately explain what curricula is now prohibited or identify which classroom lessons the law is meant to affect, it is not clear which classroom lessons are still permissible. Interpretations of the PSFA by school boards, school district administrators and/or school principals remain inconsistent throughout the state.



Know Your Rights

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

- o As an educator, you 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, or racial discrimination, you may consider notifying or getting approval from your school principal or administrator. If approval is denied, consult your union representative about the best way to proceed. If you are represented by the Georgia Association of Educators, you can find your local union's contact information on GAE's website.

What if there is a racial incident, or an incident motivated by racism, in the school?

- o The PSFA does not relieve 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 your school principal or another school administrator bars you

from posting a symbol of inclusion, such as a Black Lives Matter, LGBTQIA+ Pride, or DREAMers flag or poster, or otherwise interferes with discussions of such issues, 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 PSFA does not create a way for parents to file lawsuits in court directly against educators. However, a complaint to the school district or Georgia Department of Education may prompt an investigation and/or disciplinary procedures action against you for failure to comply with state and federal laws and school district policies.
- o If your school district or the Georgia Department of Education 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. If you are represented by the Georgia Association of Educators, you can find your local union's contact information on GAE's website.

- 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, attending 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 [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 [Complete GAE's survey for educators](#) to share how the PSFA has affected you, your school, and your students.

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](#)



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