



#TEACHTRUTH

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Know Your Rights

WHAT EDUCATORS SHOULD KNOW ABOUT SOUTH CAROLINA'S STATE BUDGET LIMITATIONS ON THE USE OF STATE FUNDING FOR 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, 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 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 South Carolina, these efforts to pass legislation have not yet succeeded, but the legislature has attached limitations to the state budget restricting how state education funds may be used for the last two fiscal years and for the upcoming fiscal year (2023-2024), which begins July 1, 2023.

The following answers some FAQ's about the current limitations, which are found in South Carolina's 2023-2024 Appropriation Act and are identical to those attached to each of the two prior state budgets.

If you or a colleague feel your ability to teach the truth is stifled by how your district is interpreting or enforcing these budget limitations, 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 find additional help at the resources linked below.

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Q&A

What is South Carolina's 2023-2024 Appropriation Act and what does it do?

- o On June 14, 2023, the South Carolina General Assembly ratified H. 4300, the General Appropriations Bill for Fiscal Year 2023-2024.
- o The full text of the Appropriation Act can be found [here](#).
- o Under Section 1.82 of the Act, none of the funds allocated by the Department of Education to school districts can be used by school districts to train educators “to adopt or believe,” or by educators to purchase textbooks or instructional materials or carry out classroom lesson plans “that serve to inculcate” the following concepts:
 - One race or sex is inherently superior to another 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;
 - An individual's moral standing or worth is necessarily determined by their 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;
 - An 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 members of a particular race to oppress members of another race; and
 - Fault, blame, or bias should be assigned to a race or sex, or to members of a race or sex because of their race or sex.
- o But the Act specifies that it does not “prohibit[] any professional development training for teachers related to issues of addressing

unconscious bias within the context of teaching certain literary or historical concepts or issues related to the impacts of historical or past discriminatory policies.”

- o The Act only applies to state funds allocated by the State Department of Education to school districts. It does not apply to local funds.
- o This language has appeared in the South Carolina budget since 2021. But absent further legislative action, the prohibitions listed in the Act will expire on June 30, 2024, the end of the 2023-2024 fiscal year.
- o Currently, South Carolina's existing curriculum standards, known as the [South Carolina Social Studies College- and Career-Ready Standards](#), remain unchanged.

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

- o Yes! The Act does not alter the [South Carolina Social Studies College- and Career-Ready](#)

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[Standards](#), which require educators to teach students about U.S. history based on the students' grade level. Required topics include slavery, abolition, the Civil War, and the civil rights movement.

- o The Act 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 Act 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 the [South Carolina Social Studies College- and Career-Ready Standards](#) curriculum standards remain defensible.
- 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 the [South Carolina Social Studies College- and Career-Ready Standards](#) curriculum standards and past practice.
- o 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 Nothing in the Act 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.

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

- o The Act only applies to the use of state education funds. It does not create a private right of action for parents against educators.
- o If your school district or the South Carolina Department of Education takes action against you for an alleged violation of South Carolina 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 [South Carolina Education Association's \(SCEA\) 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). And if you have obtained continuing

contract status in South Carolina, your school district must give you at least written notice and a right to be heard ("due process") before they can fire you or fail to renew your contract.

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.

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 NEA's [Educator Advocacy Rights: Speaking Up for Public Education & Our Students](#)
- 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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