

Tennessee Coalition for

**Truth in
Classrooms**



Know Your Rights:

**Updates on What You Need to Know About Tennessee's K-12
Censorship Bill's**

November 2nd, 2022 | 4:30 - 5:30 PM CT



The Education Trust

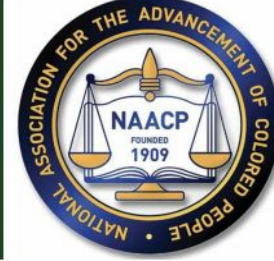
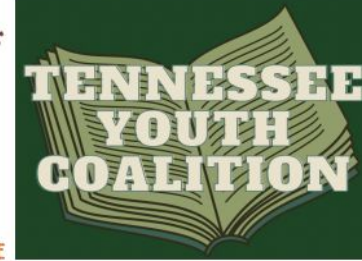
Who Are We?

Tennessee Coalition for

**Truth in
Classrooms**



Who Are We?



ONE WILLCO



CHATTANOOGA
Moms
for
Social
Justice™



The Education Trust
IN TENNESSEE



Urban League of
Middle Tennessee

*Empowering Communities.
Changing Lives.*



Goals



- Provide a **comprehensive breakdown of the impact and legal implications** of anti-truth, K-12 censorship legislation passed through the TN General Assembly in 2021 and 2022
- Share **know-your-rights information** for students, educators, librarians, and community members
- Elevate **voices and perspectives** of impacted individuals and groups across the state
- Promote **awareness how to take action**, navigate resources, and stay engaged in education advocacy

Agenda



- History of TN Anti-Truth/Equity, Censorship Movement
- Bill Breakdown: ACLU TN - Know Your Rights
 - **Public Chapter 493:** K-12 Classroom Censorship
 - **Public Chapter 744:** Age Appropriate Materials Act
 - **Public Chapter 1137:** State Library Censorship
- Local Advocacy: Mom's for Social Justice
- Librarian Perspective: TN Association of School Librarians
- Educator Testimony: Brittany Paschall
- Survey & Opportunity to Share Testimony
- Resources
- Next Action Steps

Speakers



Stella Yarbrough

Legal Director,
ACLU of Tennessee



Lindsey Kimery

Coordinator of Library
Services, MNPS
Past President, TASL



Amanda Smithfield

School Librarian,
Hume-Fogg Academic Magnet



Xan Lasko

Intellectual Freedom Chair, TASL
Tennessee Library Ecosystem
Coalition (TLEC) Chair



Brittany Paschall

Educator
Founder, We Remember
Nashville



Reggie Nash

External Relations Manager,
ET-TN



Meili Powell

Advocacy & Partnerships
Manager, ET-TN



Gini Pupo-Walker

State Director, ET-TN



Angela Favaloro

Parent Organizer, Moms for
Social Justice

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A Brief History of Tennessee's Anti-Truth/Equity, Censorship Movement



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How Did We Get Here?



- **National background to the “anti-CRT” movement**
- **History of Tennessee Censorship Movement**
 - Among earliest filed, passed & signed anti-truth laws in the country
- **Public Chapter 493**
 - Letter of Opposition to the General Assembly
 - Letter Urging Governor Lee to Veto
 - 400+ Teachers, Parents & Community Members
 - Public Comment & TDOE Rules Statement

How Did We Get Here?



- **Creation of TN Coalition for Truth in Our Classrooms**

- Resource Hub

- **Legislative Session Advocacy**

- Email Campaign & Toolkit
- Legislator Meetings
- Committee Input
- Digital Social Media Ads
- Student Public Testimony

- **What were our wins?**

1. School Library Censorship Bill (**HB1944 / SB1944**)
2. Parent Bill of Rights Act (**HB2451 / SB2360**)
3. Inspection of School Instructional Materials Bill (**HB1723 / SB2006**)
4. Higher Education Restrictions on Academic Courses Bill (**HB2417 / SB2283**)
5. Anti-Affirmative Action Bill (**HB2569 / SB2440**)



K-12 Classroom Censorship Bill Public Chapter 493



- Tenn. Code Ann. § 49-6-1019
 - (a) An LEA or public charter school shall not include or promote the following concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include or promote the following concepts
- Who?
 - The law applies to LEA's—not students, student clubs,
 - Applies to teachers insofar as they are creating curriculum and selecting supplemental materials.

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Bill Breakdown: Know Your Rights

Stella Yarbrough, ACLU-TN



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K-12 Classroom Censorship Bill Public Chapter 493



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- What?
 - The law applies to curriculum—not personal conversations or student activities or classroom discussion.

K-12 Classroom Censorship Bill Public Chapter 493



- (1) One (1) **race or sex is inherently superior** to another race or sex;
- (2) An individual, by virtue of the individual's race or sex, is inherently **privileged, racist, sexist, or oppressive**, whether consciously or subconsciously;
- (3) An individual **should be discriminated against** or receive adverse treatment because of the individual's race or sex;
- (4) An individual's **moral character** is determined by the individual's race or sex;
- (5) An individual, by virtue of the individual's race or sex, **bears responsibility** for actions committed in the past by other members of the same race or sex;
- (6) An individual should feel **discomfort, guilt, anguish**, or another form of psychological distress solely because of the individual's race or sex;
- (7) A **meritocracy** is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;
- (8) This state or the United States is fundamentally or **irredeemably racist or sexist**;
- (9) Promoting or advocating **the violent overthrow** of the United States government;
- (10) Promoting **division** between, or **resentment** of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;

K-12 Classroom Censorship Bill Public Chapter 493



- (11) Ascribing **character traits, values, moral or ethical codes, privileges, or beliefs** to a race or sex, or to an individual because of the individual's race or sex;
- (12) The **rule of law does not exist**, but instead is a series of power relationships and struggles among racial or other groups;
- (13) All Americans are **not created equal** and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or
- (14) Governments should deny to any person within the government's jurisdiction the **equal protection of the law**.

Tenn. Code Ann. 49-6-1019

K-12 Classroom Censorship Bill Public Chapter 493



The Tennessee Department of Education issued rules as to how the law would be enforced.

- Only a parent, student, or LEA staff can file a complaint with the LEA.
- Must be within 30 days.
- The LEA will review the complaint and issue a written decision.
- If violation found, LEA can take remedial action, including removing the material from the curriculum and even **disciplinary action** against the teacher.
- LEA's decision can be appealed to the TN Dept. of Education.
- If the Department determines that violation has occurred, will leave it to the LEA to pursue disciplinary action and will place LEA into corrective action plan.
- Funds are withheld until terms of plan are met.

Educators should reach out to their unions (TEA) or a lawyer regarding any employment action taken against them.

K-12 Classroom Censorship Bill Public Chapter 493



Can schools still teach about Black American history—e.g., the Civil Rights movement?

- Yes (but perhaps with some extra thought).
- Law allows for “impartial discussion” of “controversial aspects of history” and “impartial instruction” of “historic oppression of a particular group of people based on race, ethnicity, class, nationality, religion or geographic region.” Tenn. Code Ann. 49-6-1019(b).
- Existing law even requires that all public schools provide age-appropriate “courses and content designed to educate children in black history and culture and the contribution of black people to the history and development of the world.” Tenn. Code Ann. § 49-6-1006.
- Historical concepts like slavery, the Civil Rights movement, and desegregation are still a part of Tennessee’s education curriculum.

K-12 Classroom Censorship Bill Public Chapter 493



Know Your Rights: Can students still talk about race in school?

- Yes!
- Students do not shed their constitutional rights, including the right to free speech, at the schoolhouse gates.
- Schools can limit student speech that is substantially disruptive to the school environment but should not be using the “banned topics” law to restrict student speech.
- If you are aware of a school using the new law to stop student speech, association, or other activity, please contact **ACLU-TN**.

<https://action.aclu.org/legal-intake/aclu-tn-legal-intake-form>

Age Appropriate Materials Act Public Chapter 744



- LEA's must post list of materials in their library *collection* on their website.
 - Recent TDOE guidance interpreted “collection” to include in-class books
- School boards must develop policy for reviewing materials in their collections.
 - Includes a procedure to “evaluate feedback” from student, parent, or school employee
- School board must evaluate material that received “feedback” to determine whether it is age appropriate and consistent with mission of the school.
- Must remove if not “appropriate.”
- Contact ACLU-TN if you know of book being challenged because not age appropriate

Age Appropriate Materials Act Public Chapter 744



- This law invites school boards to engage in viewpoint discrimination—that is, removing books exclusively because schools disagree with their content.
- The First Amendment includes a right to receive ideas and information which extends to public school students, and is “directly and sharply implicated by the removal of books from the shelves of a school library.” *Island Tree Union Free School District v. Pico*, 457 US 853 (1982).
- When it bans materials, a school “use[s] its official power to perform an act clearly indicating that the ideas contained in [those materials] are unacceptable and should not be discussed or considered.” That is unconstitutional. *Pico*, 457 US 853.

Age Appropriate Materials Act Public Chapter 744



- Many, if not most, schools already have similar processes in place. But, they are usually crafted to be meet requirements of First Amendment and have procedural safeguards in place.
- Under the law, new policies were implemented across the state at the beginning of this school year and the ACLU-TN is taking a close look at these new policies.
- The Tennessee Textbook Commission will also issue guidance no later than December 1, 2022.

Age Appropriate Materials Act Public Chapter 744



- We will need to take very close look at the policies developed and which materials, if any, that are challenged.
 - Do policies allow for **automatic removal**?
 - Are removed books only works by Black or Latinx authors (e.g.)? Only books about LGBTQ issues?
 - Is the guidance issued by the Textbook Commission or the policy issued by the school board too vague?

State Library Censorship Bill Public Chapter 1137



- Changes to make-up Tennessee Textbook Commission
- Requires Commission to issue guidance to LEAs to determine “age appropriateness”
- Creates appeal process of local board’s decision to textbook commission
- If Textbook Commission finds that material is not age appropriate, each LEA **shall** remove the challenged material from its library collection.
- Results in a statewide ban of a book based on a single complaint.



Submit questions in the Q&A chat & anonymous Google Doc



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ACLU - TN Know Your Rights Resource



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Know Your Rights Resource



ACLU

Tennessee

November 2022

This document does not give legal advice, and you should not rely on it as legal advice. You should speak with a lawyer to get advice on your specific situation.

Frequently Asked Questions:

Censorship in Tennessee's Schools

A nationwide attempt to censor honest discussion of America's history is underway. State legislatures – including Tennessee's – have passed legislation that censors teachers or employees of LEAs.

We oppose Tennessee's oppressive and vague policies, which threaten free speech in the classroom.

State Library Censorship Law

The State Textbook and Instructional Materials Quality Commissions is composed of 14 members who recommend an official list of textbooks and instructional materials to be approved by the State Board of Education.

What does the State Library Censorship Law do?

In 2022, the state legislature made changes to the law that regulates the Tennessee State Textbook Commission. This law makes changes to the Commission by adding the appointment of a librarian or retired librarian, changing some of the position requirements, and changing the process so that now only the governor's appointees must be confirmed by the General Assembly.

Age Appropriate Materials Act

What is the Age Appropriate Materials Act?

In 2022, the Tennessee legislature passed the "Age Appropriate Materials Act of 2022" (Tennessee Code Annotated (TCA) 49-6-3801, et seq.). This law includes requirements for local boards of education to update library collection policies to include procedures for review of materials located in public school classrooms.

What does the Age Appropriate Materials act do?

K-12 Classroom Censorship Law (Cont'd)

How will this law be enforced?

The Tennessee Department of Education (TDOE) issued rules as to how the law would be enforced.

- Only a parent, student, or LEA staff can file a complaint with an LEA.
- The complaint must be made within 30 days of the incident.
- The LEA will review the complaint and issue a written decision.
- If a violation is found, the LEA can take remedial action, including removing the material from the curriculum and even **disciplinary action** against the teacher.
- The LEA's decision can be appealed to the Tennessee Department of Education.
- If the TDOE determines that a violation has occurred, they will leave it to the LEA to pursue disciplinary action and will place the LEA into a corrective action plan.
- The LEA's funds are withheld until the terms of plan are met.

Educators should reach out to their unions (Tennessee Education Association) or a lawyer regarding any employment action taken against them.

Can schools still teach about Black American history, such as the Civil Rights movement?

Concepts prohibited at LEAs & public charter schools

The law outlines a series of 14 "concepts" which may not be taught in Tennessee's schools, including the following:

- An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;
- A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;
- This state or the United States is fundamentally or irredeemably racist or sexist;

The provisions of this law are so vague that they will likely ban or chill an even broader range of content from the curriculum.

For example, does this law bar teaching that some of America's Founding Fathers – indeed fundamental to American government and society – espoused racist views or owned slaves? Surely our Founding Fathers were "fundamental" to the American story. Another section of the bill requires "impartial" instruction on histories of racial oppression. What is meant by "impartial?" Should teachers avoid offering moral judgments on the practice of slavery? Or the deprivation of the voting rights of

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Local Advocacy & Stakeholder Perspectives on TN Censorship Laws



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TN Association of School Librarians



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Survey Results from TASL



Between January 1 and August 31, 2022, ALA documented 681 attempts to ban or restrict library resources, and 1,651 unique titles were targeted. ([Unite Against Book Bans](#))

7

REPORTED THEIR ADMINISTRATOR ASKED THEM TO REMOVE CERTAIN BOOKS OR HAS REMOVED CERTAIN BOOKS WITHOUT GOING THROUGH THE BOOK CHALLENGE PROCESSES AS STATED IN THE RECONSIDERATION POLICY.

REPORTED DISTRICT LEADERSHIP ASKED THEM TO REMOVE CERTAIN BOOKS OR HAS REMOVED CERTAIN BOOKS WITHOUT GOING THROUGH THE BOOK CHALLENGE PROCESSES AS STATED IN THE RECONSIDERATION POLICY.

11

6

REPORTED THEY HAVE FACED A BOOK CHALLENGE IN THEIR SCHOOL THIS YEAR.

REPORTED THEY HAVE FACED A BOOK CHALLENGE IN THEIR DISTRICT THIS YEAR.

10

65

Titles have been challenged this school year.

Textbook Commission

- TASL providing information on current policies

Classroom libraries law

- Various stages of implementation

State Coordinator

- Position to be posted soon

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Moms for Social Justice - Chattanooga



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Moms
for
Social
Justice

Hamilton County Advocacy Example



School Library Collections

Age Appropriate Materials Act 2022
Public Chapter 744: “beginning in the 2022-23 school year, each LEA school shall maintain a current list of the materials in the school’s library collection. This list must be posted on the school’s website”.

TDOE confirmed the definition of school library should include any reading material available to students in the building, including classroom libraries and reading centers.

Aug 10	School librarian will post school library list on school website. This list will be compiled and delivered from Atrium by August 5th.
Aug 31	A list of classroom library books will be compiled and submitted to the school librarian. <ul style="list-style-type: none"> We suggest teachers use a free program, booksource, to easily scan classroom books and create a digital list. This is a suggested resource only. Lists may be created in any way best for the teacher.
Sept 15	School librarians will upload a file to the school library website with all compiled school library lists.



FAQ: Age Appropriate Materials Act of 2022 and HCS Materials Policies

1. What is the Age Appropriate Materials Act of 2022?

Tennessee Code Annotated (TCA) 49-6-3801, et seq., or more commonly known as the “[Age Appropriate Materials Act of 2022](#)” is codified law in Tennessee passed during the 2022 legislative session. This law includes requirements for local boards of education to update library collection policies to include procedures for review of materials located in public school classrooms and requirements for all schools to maintain and post online a list of library collections, defined as materials made available to students by a school but does not include materials as part of a course curriculum.

2. What are the Hamilton County Schools Classroom Instructional Materials Policies?

As part of the Age Appropriate Materials Act of 2022, the Hamilton County Board of Education was required to approve a policy before the 2022-2023 school year that covers developing and reviewing school library collections. The board reviewed and approved updates to board policies [4.402](#), Selection of Instructional Materials (Other than Textbooks) and [4.403](#), Reconsiderations of Instructional Materials and Textbooks. These policies are in compliance with the updates required in TCA 49-6-28.

3. Am I required to create a list of all books in my classroom?

Yes. Per Tennessee state law, beginning with the 2022-2023 school year, each school shall maintain a current list of materials in the school’s library collection. The General Counsel for the Tennessee Department of Education released a [memo dated August 11, 2022](#) noting that the definition of library collection includes materials maintained in a teacher’s classroom.

4. How should I create this list?

Teacher’s may create this list in any way that is easiest and best for each individual teacher. [Guidelines](#) on creating and posting these lists were sent out to school leaders

Pulled verbatim from a request for their questions for a FAQ in a social media forum 8/18-8/18.

1. Does this include every book in our library, only those accessible to students as free choice reading, or only those we use as supplements to the curriculum?
2. Can logging still be done after the set date?
3. What happens to the books I logged if or when transferring schools?
4. Can teachers share logs if they have the same books in their rooms? In other words, what is the most efficient way to be in compliance with this requirement that requires the least amount of time and effort on the part of our amazing teachers?
5. Do we have to log district purchased books ? Novels that accompany the My Perspectives curriculum?
6. How often do logs need to be updated to stay in compliance?
7. What happens if it isn’t completed by the deadline?
8. What about programs like Epic or Sora?

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Educator Testimony



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Educator Testimony: Brittany Paschall



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How to Take Action, Resources, & Staying Engaged



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Survey - Share Your Testimony!



https://www.surveymonkey.com/r/CTCWeb_Nov2022

Resources

Tennessee Coalition for

Truth in Classrooms



A Resource Guide for Students, Educators,
and Community Advocates

<https://edtrust.org/tennessee/tn-coalition-for-truth-in-our-classrooms/>



• Action Toolkits

Download a toolkit from **Learn from History** and **Our Turn** that's right for you to help ensure that your schools continue teaching fact-based history.

LEARN FROM HISTORY

 Overview & Communication Guide

 Parents

 School Board Members

 School System Leaders

 Teachers

OUR TURN

 Truth(Ed) Toolkit



Messaging Guides

Review evidence-informed guides on how to frame your advocacy language on common concerns, questions, and topics you might encounter in current education debates.

CHANGING THE NARRATIVE

 Social Toolkit

 Hot Topic Talking Points

 Family & Friends Messaging

 Core Messages

 Glossary

 Toolkit for Local Advocates: Teaching Diverse & Inclusive Materials & Defending DEI

Lawyers' Committee for Civil Rights Under Law (LCCRUL)

 Legal Talking Points

40 Race Forward

 Counter-Narrating the Attacks on Critical Race Theory

Intercultural Development Research Association (IDRA)

 Knowledge is Power





Anti-Truth, Censorship Bill Movement

Learn about how to take action on current bills moving through the Tennessee General Assembly, and track the equity implications for bills moving across the country.

TENNESSEE ADVOCACY

[TN Youth Coalition Testimony in Opposition to SB1944/HB1944](#)

Current Law:

[Public Chapter 744: The Age Appropriate Materials Act & TDOE Memorandum](#)

[Public Chapter 493: K-12 Classroom Censorship & TDOE Rules](#)

[Public Chapter 818: Higher Education Diversity, Equity, & Inclusion Restrictions](#)

[Public Chapter 1137: State Library Censorship](#)

ACROSS THE COUNTRY

[Every Library: Legislation of Concern](#)

[Education Week: Map – Where CRT is Under Attack](#)

[UCLA CRT Forward Tracking Project](#)

[African American Policy Forum: #TruthBeTold Campaign](#)





Know Your Rights

Review helpful resources consolidated by the ACLU.

EDUCATOR & STUDENT RESOURCE

[ACLU-TN FAQ: Censorship in Tennessee's Schools](#)

[ACLU Right to Learn Toolkit: Your Guide](#)

 [ACLU-TN Youth & Students' Rights Resources](#)

 [ACLU-TN FAQ: Critical Race Theory](#)



Censorship in the News

Review recent media highlights on anti-truth, censorship issues in Tennessee and across the country.



RESEARCH, PODCASTS & PUBLICATIONS

- [The Daily: The Sunday Read – ‘Daring to Speak About Race in a Divided School District’](#)
- [Education Trust: Teaching Honest History](#)
- [Education Trust Podcast: Ed Trusted](#)
- [Education Trust: Anti-CRT Laws Ban Them: Now What?](#)
- [Stand for Children Teacher’s Report Survey](#)

TENNESSEE

- [Tennessean: Absent guidance, Tennessee officials expanded library law to include classroom books](#)
- [The Commercial Appeal: Collierville Schools pulled 300 books off shelves while Tennessee considered ban](#)
- [Local 3 News: Hamilton teachers race to meet book scanning deadline, on their own time](#)
- [Education Week: Conservative Parent Sues School District Over Curriculum That Discusses Race and Gender](#)
- [Tennessean: Tennessee, Florida progressive parent groups push to protect students’ voices in education](#)






Events

Register now for virtual opportunities to learn more and take action.

UPCOMING EVENTS

-  11/02: Know Your Rights: Updates on What You Need to Know About Tennessee's K-12 Censorship Bills
-  5/26- 11/24: Stand for Children Intelligence Briefing

PAST EVENTS

-  5/24: The Leadership Conference on Civil and Human Rights – Teaching Truth: Messaging the Moment
-  Recording: Know Your Rights: What You Need to Know about Tennessee's latest Censorship Bills
-  PowerPoint Slides: Know Your Rights: What You Need to Know about Tennessee's latest Censorship Bills

Next Actions



- **TN General Assembly Legislative Session - January, 10th, 2023**
 - Sign up for weekly legislative updates, including our bill tracker
 - <https://edtrust.org/tennessee/>
- **TN Coalition for Truth in Our Classrooms**
 - Share ACLU-TN Know Your Rights resources
 - If you are aware of a school using new laws to stop student speech, association, or other activity, contact ACLU-TN: <https://action.aclu.org/legal-intake/aclu-tn-legal-intake-form>
 - Review webpage - continually updated
 - <https://edtrust.org/tennessee/tn-coalition-for-truth-in-our-classrooms/>
- **Take Event Survey**
 - Share your anonymous testimony
 - https://www.surveymonkey.com/r/CTCWeb_Nov2022
- **Don't forget to vote! General Election - November 8th, 2022**

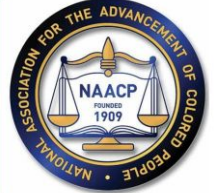
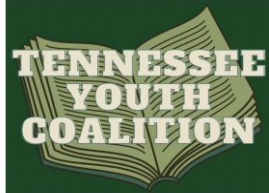
***Is your organization interested in getting involved with our Coalition or have other questions?
Contact Meili Powell: mpowell@edtrust.org***

Survey



https://www.surveymonkey.com/r/CTCWeb_Nov2022

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IN TENNESSEE



Empowering Communities.
Changing Lives.



Thank You!

Meili Powell - mpowell@edtrust.org