

Tennessee Coalition for

**Truth in  
Classrooms**



# Know Your Rights:

**What You Need to Know about Tennessee's latest Censorship Bills**

**May 18th, 2022 | 4:00 - 5:00 PM CT**



The Education Trust

# Who Are We?

Tennessee Coalition for

**Truth in  
Classrooms**



# Goals

- Provide a **comprehensive breakdown of the impact and legal implications** of anti-truth, censorship legislation passed through the TN General Assembly
- Share **know-your-rights information** for students, educators, 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



- Welcome
- History of TN Anti-Truth/Equity, Censorship Movement
- Bill Breakdown: ACLU TN - Know Your Rights
  - **Public Chapter 493:** K-12 Classroom Censorship Bill
  - **Public Chapter 818:** Higher Education DEI Restriction Bill
  - **Public Chapter 744:** Age Appropriate Materials Act
  - **HB2666/SB2254:** State Library Censorship Bill
- Community Advocacy & Perspectives
- Resources
- Next Action Steps

# Speakers



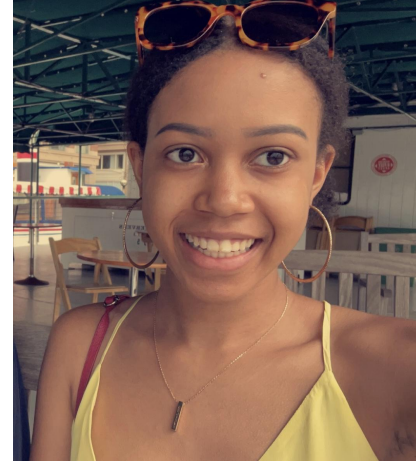
**Dr. Diarese George**

Executive Director & Founder,  
TN Educator of Color Alliance



**Trey Cunningham**

League Leader, EmpowerEd  
Student Network



**Ivy Enyenihi**

League Leader, EmpowerEd  
Student Network



**Revida Rahman**

Co-Founder & Parent Organizer,  
One WillCo



**Milana Kumar**

Student Organizer,  
Tennessee Youth  
Coalition

**Salina Shamsuddin**

Student Organizer,  
Tennessee Youth  
Coalition



**Lindsey Kimery**

Past President,  
Tennessee Association  
of School Libraries



**Angela Favaloro**

Parent Organizer, Moms for  
Social Justice



**Stella Yarbrough**

Legal Director,  
ACLU of Tennessee

Tennessee Coalition for

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



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# How Did We Get Here?



- **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
    - 350+ 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
  - 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**)



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# Bill Breakdown: Know Your Rights

Stella Yarbrough, ACLU-TN



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**ACLU  
TN**

# 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 are responsible to the school.

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

# 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



**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



**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



## 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>



# Higher Ed Diversity Equity & Inclusion Restrictions Bill, Public Chapter 818



- Bans same “divisive concepts” in public higher education setting.
  - Adds “race or sex stereotyping” and “race or sex scapegoating”
    - assigning character traits/values (stereotyping) or fault, blame, bias (scapegoating) based on sex or race
- Failure to endorse concepts cannot be used to penalize student or employee
  - Individual who believes violation has occurred “may pursue all equitable or legal remedies that may be available to the individual in a court of competent jurisdiction.”

# Higher Ed Diversity Equity & Inclusion Restrictions Bill, Public Chapter 818



- Public institutions of higher education shall not:
  - Conduct **mandatory training** of students or employees if the training includes one or more divisive concept;
    - (“Training” is seminars, workshops, trainings, and orientations.)
  - Use training programs or training materials for students or employees if the program or material includes one or more divisive concept;
  - Use state-appropriated funds to incentivize, beyond payment of regular salary or other regular compensation, a faculty member to incorporate one or more divisive concepts into academic curricula.
- Diversity offices must promote “intellectual diversity”

# Higher Ed Diversity Equity & Inclusion Restrictions Bill, Public Chapter 818



- Institutions must submit results of “campus climate” survey to state legislature around time that budgets are being presented
- Shall not be interpreted as
  - prohibiting non-discrimination training
  - infringing on First Amendment rights
  - prohibiting trainer from answering questions
  - prohibiting promotion of diversity, equity, and inclusion

# Higher Ed Diversity Equity & Inclusion Restrictions Bill, Public Chapter 818



- Key differences
  - No explicit threat to funding or licensure
  - No department oversight or enforcement
  - Unclear what private suits would be brought/how to challenge
  - Carve outs for First Amendment and academic freedom
- Look out for enforcement
  - Books banned/removed from courses or library
    - lack of clarity as to what “trainings” means
  - Private lawsuits
  - Rules issued by universities

# Age Appropriate Materials Act Public Chapter 744



- LEA's must post list of materials in their library *collection* on their website.
- School boards must develop policy for reviewing materials.
  - 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.
  - Unclear language
- Must remove if not “appropriate.”

# Age Appropriate Materials Act Public Chapter 744



- “[T]he Constitution protects the right to receive information and ideas, . . . This right to receive information and ideas . . . is fundamental to our free society.” *Stanley v. Georgia*, 394 U.S. 557, 564 (1969). And, as the Supreme Court recognized more than 40 years ago, “just as access to ideas makes it possible for citizens generally to exercise their rights of free speech and press in a meaningful manner, such access prepares students for active and effective participation in the pluralistic, often contentious society in which they will soon be adult members.” *Pico*, 457 U.S. at 867 (plurality).
- Thus, the First Amendment right to receive ideas extends to public school students, and is “directly and sharply implicated by the removal of books from the shelves of a school library.” *Id.*

# 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.
  - McMinn county: book stays in place upon review, counsel appointed to review, read material in entirety and evaluate educational value.
- Will need to take very close look at 1) policies developed and 2) materials that are challenged.
  - Do policies allow for **automatic removal**?
  - Are removed books only works by Black or Latinx authors (e.g.)?

# State Library Censorship Bill HB2666/SB2247



- Changes to State Textbook Commission
  - adds appointment of librarian or retired librarian
  - changes some of the requirements (e.g. Director of Schools or (now) person with valid instructional leader license
  - only Governor appointees must be confirmed by general assembly
- Must issue guidance to determine “age appropriateness”
- Biggest change is creation of appeal process of local board’s decision to textbook commission
  - Could result in statewide ban of book challenged by single person/complaint



# State Library Censorship Bill HB2666/SB2247



- Need to look at procedures and policies issued by textbook commission
- Examine which books are being blocked



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# Community Advocacy & Perspectives



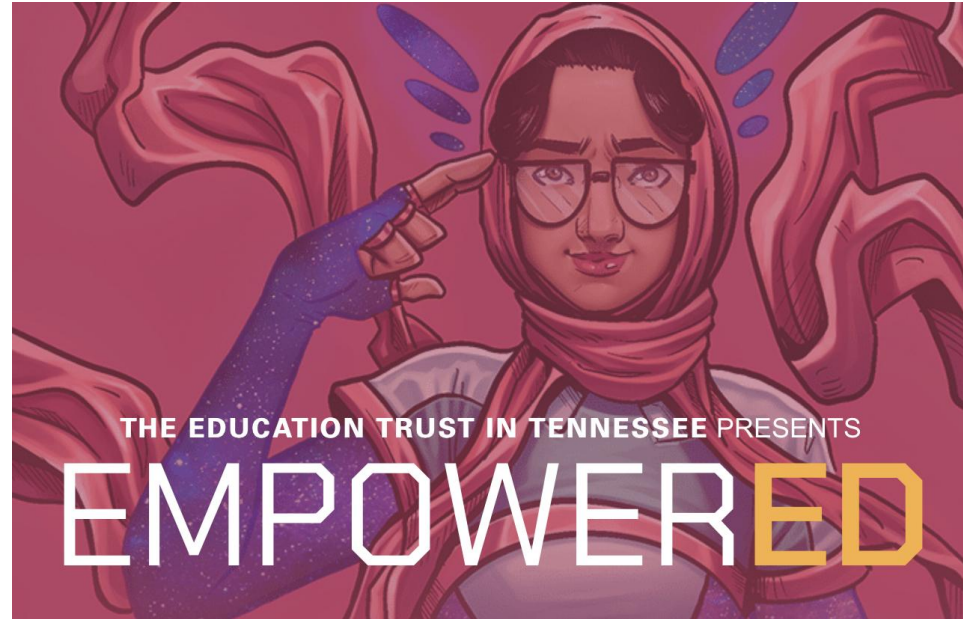
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# EmpowerEd Student Network

## Trey Cunningham & Ivy Enyenihi



- What is your role/organization?
- How have you been involved?
  - **Day on the Hill Advocacy**
  - **Events:**
    - **What is CRT?**
    - **Chalkbeat Panel**
- What's worked? How did you advocate?
  - **Legislative Meetings**
  - **Published Op-Ed**
- What is your perspective on the impact these bills could have on students?
- How can others support your advocacy & students get plugged into your work?
  - **Join us in our panel discussion around Undocumented and DACA Students in Tennessee**



# EmpowerEd Student Network Trey Cunningham & Ivy Enyenihi



**Students need to feel safe, supported and taught the truth about US history| Opinion**

*Leaders should invest in mental health resources and strategies that would actually help students stay in school in person and get back on track.*

**Ivy Enyenihi** Guest columnist

CBSN ORIGINALS >

**CBS Reports**  
documentary explores  
debate over how and  
when race should be  
taught in schools

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REPORTS

BY AJ WALKER

UPDATED ON: NOVEMBER 4, 2021 / 9:49  
PM / CBS NEWS

# Tennessee Youth Coalition Milana Kumar & Salina Shamsuddin



- What is your role/organization?
- How have you been involved?
  - What's worked? How did you advocate?
- What is your perspective on the impact these bills could have on students?
- How can others support your advocacy and students get plugged into your work?



Milana Kumar (left) and Salina Shamsuddin are the organizers of the Tennessee Youth Coalition. The students launched the coalition to campaign against house bills 1944 and 800. *Corinne Kennedy/The Commercial Appeal*

# Tennessee Association of School Librarians

Lindsey Kimery



**TASL membership includes 500+ school librarians, MLIS students, assistants, retired librarians, and friends of school libraries**

- **Win:** State Coordinator of School Libraries
  - Reinstates a school librarian to the TN Department of Education
- **On our radar:**
  - Age-Appropriate Materials Act
  - HB 2666/ SB 2666 "Obscenity & Pornography bill"
  - HB 2454/ SB 2292 "Obscenity & Pornography in School Online Resources"
  - HB 2666/ SB 2247 Conference Committee Report
- **Impact for parents**
  - Consistency in reconsideration process
  - Students' First Amendment rights are subject to one person's bias and personal prejudice.
- **How to help:** Support your school librarians, Follow @tasltN (Twitter and Instagram); Attend Library Legislative Day; Contact your legislators; Vote; Follow: @UABookBans (Unite Against Book Bans), Learn more about Intellectual Freedom through ALA's Office of Intellectual Freedom.



# One WillCo Revida Rahman



- What is your role/organization?
- How have you been involved?
  - What's worked? How did you advocate?
  - [About ONE WILLCO mov](#)
- What is your perspective on the impact these bills could have on parents?
- How can others support your advocacy & parents get plugged into your work?
  - [www.onewillco.org](http://www.onewillco.org) - sign up for newsletter





# ONE WILLCO



2017

Began this journey in 2017 with other families at Edmondson Elementary after field trips to a plantation.

Revida & Yusuf Rahman  
Dr. Maya Bugg  
Tizgel & Lover High  
Drs. Aima & Michael Nottidge  
Elayne & Emeka Oputa



2018

Met Superintendent Looney in January 2018 & formed the Cultural Competency Committee meetings.



2020

Friend, Anne McGraw asked Jennifer Cortez to come to a Cultural Competency Committee meetings to help families of color.

Writer who captured stories from families facing issues in WCS and she birthed the idea to form One WillCo.



# WHAT WE DO



## EDUCATE

Educate our community about challenges children of color face in our schools and the solutions that can improve their learning experience



## ADVOCATE

Advocate for actionable solutions that make our schools safer for all children



## ENGAGE

Engage with community members who are passionate about advancing equity in schools; uniting their voices to create change



## HOW CAN YOU BECOME ENGAGED?



### EMAIL

Email ALL of the School Board Members

(easy link on the WCS School Board member page)



### SPEAK

Speak at a School Board Meeting

Email to let them know you want to speak  
[publiccomment@wcs.edu](mailto:publiccomment@wcs.edu)

We will have a Sign-Up Genius to recruit speakers & audience members.



### ATTEND

Attend a School Board Meeting

3rd Monday of the Month  
at 6:30pm

1320 West Main Street,  
Franklin



### JOIN

Become a Member

# Angela Favaloro



- Grassroots Parent Organization founded in Chattanooga TN - Civic Engagement Lead
  - Chapters in AK, MO, SoCal, Knox, & DC
- Local level we ran campaigns to email, call, and protest book removal policies at BOE for Hamilton County School District along with challenging Anti-CRT rhetoric from community and organizations.
  - Speaking at school board meetings prevented books from being removed at all, a material review committee formed and held a public “Let Freedom Read” Event Downtown to further gain public awareness of potential removals and gained additional support for freedom in literature.
- Parent perspective, overreach into the health and welfare of our youth adding hurdles to the care and safety of some of our most vulnerable.
- How can others support your advocacy & parents get plugged into your work?
  - Facebook, IG, Twitter, & Tik Tok or email at [hello@momsforsocialjustice.us](mailto:hello@momsforsocialjustice.us)

# Tennessee Educator of Color Alliance

## Dr. Diarese George



- Executive Director of TECA, an organization focused on racial equity in our educator workforce in Tennessee and leveraging voices of educators of color to advocate for equitable policies
- We initiated a sign on letter to oppose the anti-CRT bill that was signed into law last year.
  - We witnessed over 400 stakeholders state wide sign this letter.
  - We partnered with Reggie Nash from EdTrust in TN to lead a policy and advocacy session to increase civil engagement and awareness
- These bills can have an impact on recruitment, retention, and overall sustainability.
  - Current educators are impacted differently
  - Current teacher candidates aren't been prepared fully to adjust to the new laws
- Encourage folks to join our network at [www.tneca.org](http://www.tneca.org) and leverage resources from Truth in Classrooms coalition.

**TECA**

TENNESSEE **EDUCATORS** of **COLOR** ALLIANCE

# Higher Education Perspective



- Letter submitted by anonymous higher education faculty members from public universities in Tennessee
- “Undefined boundaries and very real consequences will lead some of us to dramatically limit the kinds of campus climate discussions we have with students and colleagues. **This is a disservice to the community because difficult conversations are often the most important ones, especially in the diverse culture our students will be entering socially and in the workplace.**”
- “Though we agree that the college experience should be free of harassment and intimidation, our work can lead to a useful kind of discomfort when ideas are challenged by new information. **Those moments of discomfort can be where some of the most important lessons are learned: emotional control, nuanced thinking, civility, and a more informed sense of one’s own place in society.**”
- “**This law reflects a fundamental misunderstanding of higher education.** We can’t make anyone believe particular concepts, but we can ask they be aware of other perspectives and that they learn skills for dealing with people whose lives are not like theirs.”
- “**We are also troubled that we do not feel as if we can speak freely about Public Chapter 818, but have to keep our identities anonymous.** Higher education in Tennessee is already struggling with post-pandemic budget cuts; this law threatens us with even greater budgetary struggles if we practice the ethical core of our profession: to freely discuss any idea and to let research-based evidence and careful thinking guide conclusions.”

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# Resources, Staying Engaged & Action



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# Staying Engaged & Next Actions



[https://www.surveymonkey.com/r/CTCWeb\\_May2022](https://www.surveymonkey.com/r/CTCWeb_May2022)





# Resources



Tennessee Coalition for

# Truth in Classrooms



A Resource Guide for Students, Educators,  
and Community Advocates

# Resources



## Action Toolkits

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

### LEARN FROM HISTORY

 [Overview & Communication Guide](#)

 [School System Leaders](#)

 [Parents](#)

 [Teachers](#)

 [School Board Members](#)

# Resources



## 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

*Leadership for Educational Equity (LEE)*

 Policy & Strategy Support

*We Make the Future*

 Messaging Guide: Freedom to Learn

*GLSEN*

 Inclusive Curricular Standards Resource

# Resources



## 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 493 & TDOE Rules

### ACROSS THE COUNTRY

 NAACP LDF's In Defense of Truth

 Red, Wine & Blue: Book Banning Media

 GLSEN's Affirmative Legislation Tracker & Negative Legislation Tracker

 PEN America Comprehensive Bill Tracker

 Censorship Attacks Tracker

# Resources



## Know Your Rights

Review FAQs on critical race theory consolidated by the ACLU-TN.

### EDUCATOR & STUDENT RESOURCE

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

[Frequently Asked Questions: Critical Race Theory](#)

# Resources



## Censorship in the News

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

### RESEARCH, PODCASTS & PUBLICATIONS

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: Most Tennesseans oppose book banning, despite recent laws, new poll finds

Chalkbeat: How the 'age-appropriate' debate is altering curriculum in Tennessee and nationwide

Tennessee Lookout: Conservative report effects higher education anti-diversity bill

Commercial Appeal: Memphis student action (TN Youth Coalition) Press Rally on HB1944 & HB0800

2022 could break anti-LGBTQ legislation records

# Resources



## Events

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

### UPCOMING EVENTS

Education Justice Lecture – Beyond Either/Or: The Constitutional Right to an Equitable and Diverse Public Education

Race Forward Training Series: Strong Public Schools and a Multiracial Democracy

 Stand for Children Intelligence Briefing

### PAST EVENTS

 Chalkbeat: How the CRT debate and the culture wars impact students in Tennessee

 Webinar: Teaching Truth: Protecting and Advancing Culturally Responsive Curricula in Our Schools

 EmpowerEd what is CRT Presentation

# Staying Engaged & Next Actions

[https://www.surveymonkey.com/r/CTCWeb\\_May2022](https://www.surveymonkey.com/r/CTCWeb_May2022)





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***Thank You!***

**Meili Powell - [mpowell@edtrust.org](mailto:mpowell@edtrust.org)**