



## FAQ: Teaching and Promoting Equity, Diversity and Inclusion in Schools

In May 2021, Governor Reynolds signed into law [House File 802](#), a bill related to diversity and inclusion training for employees and students. This FAQ document is designed to provide districts with additional insight on how districts can provide meaningful training and curriculum on equity, diversity and inclusion that operates within the boundaries of new and existing laws.

### Specific Defined Concepts

**HF 802 requires school districts to ensure that curriculum and staff training do not "teach, advocate, encourage, promote, or act upon specific stereotyping and scapegoating." How are these terms defined?**

*"Race or sex scapegoating"* is defined as assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex, or claiming that, consciously or unconsciously, and by virtue of persons' race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

*"Race or sex stereotyping"* is defined as ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of the individual's race or sex.

**What are the specific defined concepts listed in HF 802?**

1. **"That one race or sex is inherently superior to another race or sex."**
2. **"That the United States of America and the State of Iowa are fundamentally or systemically racist or sexist."** This does not prohibit teaching key portions of our shared history as a country; including teaching that factors such as slavery were fundamental in shaping how our federal government was designed or actual racist or sexist policies that were implemented by the United States or Iowa.
3. **"That an individual, solely because of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously."** Intent matters here. This does not prohibit the teaching of concepts such as implicit bias or unconscious bias. But it prohibits teaching that attributes unconscious or implicit bias is caused due to an individual's race or sex.

4. **“That an individual should be discriminated against or receive adverse treatment solely or partly because of the individual’s race or sex.”**
5. **“That members of one race or sex cannot and should not attempt to treat others without respect to race or sex.”** This still permits training and curriculum that shows the historical success or shortcomings of this approach. More directly stated, it is permissible for training to discuss whether taking a “colorblind” approach has resulted in more equitable achievement among students of varying races and genders.
6. **“That an individual’s moral character is necessarily determined by the individual’s race or sex.”**
7. **“That 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.”** This should not be taught either in training or curriculum. However, if the effect of training or curriculum on the topic of discrimination and oppression is that the student or employee feels responsible, no violation of the law has occurred.
8. **“That any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of that individual’s race or sex.”** This concept prohibits teaching that individuals *should* feel distress. This concept does not prohibit individuals from feeling distress as a natural consequence of discussing oppression based on race or sex. If an employee does not teach it but a student or employee feels distress, that is not a violation of the law.
9. **“That meritocracy or traits such as a hard work ethic are racist or sexist or were created by a particular race to oppress another race.”** Intent matters here. This prohibits teaching that meritocracy or hard work ethic were created with the intention of oppressing another race. However, this concept does not prohibit teaching or discussion on whether the meritocracy or hard work ethic resulted in oppression of another race. Keep in mind that if during a discussion on the effects of meritocracy on minority races, a student asks a question on whether that is the intent of the meritocracy concept, the employee may respond to the question.
10. **“Any other form of race or sex scapegoating or any other form of race or sex stereotyping.”** The [DE guidance](#) states: “This provision is implicated only if an individual is expected to “feel discomfort, guilt, anguish, or any other form of psychological distress because of that individual’s race or sex.” The emotions of “discomfort, guilt or anguish” may be rational responses to discussions of oppression. This section does not require elimination of emotional discussions. What it does require is that trainings or curricula not assign blame or imply individuals ought to feel pain based on their race or sex.”

### **Are schools prohibited from teaching specific defined concepts?**

HF 802 requires superintendents to ensure that any curriculum or mandatory staff or student training a district provides “does not teach, advocate, encourage, promote, or act upon specific stereotyping and scapegoating toward others on the basis of demographic group membership or identity.” The absence of a reference to “specific defined concepts” in this language has led to a debate as to

whether HF 802 prohibits districts from providing mandatory training or student curriculum regarding specific defined concepts. However, the DE has issued [written guidance](#) which advises schools to act as though specific defined concepts are prohibited. HF 802 is clear that specific defined concepts may be discussed “as part of a larger course of academic instruction.”

## Curriculum/Training/Classroom

### **What does HF 802 mean for evaluating and grading classroom activities and assignments?**

Staff should provide a learning environment where students can feel comfortable sharing their views and opinions as part of their learning and development. When teachers ask students to share their views and opinions, they should not be graded on what views or opinions the students express; but may be graded on how clearly they articulate their thoughts.

### **Our district wants to provide mandatory training on equity to all licensed employees. How can we do this?**

Districts can and should continue to engage in this important work. Educators are encouraged to work proactively with the trainers providing mandatory training to ensure the content is both meaningful and respects the parameters of HF 802. Training may still consist of an exploration of our society’s past and current state of racism, sexism and inequality. For instance, training can include individual accounts and experiences of inequity, racism and sexism. Meaningful dialogue on the topics of racism and sexism often has the effect of making people feel uncomfortable. Such discomfort is not prohibited by HF 802. Training should create an environment of respect where a diversity of views and beliefs can be safely shared to encourage everyone to thoughtfully consider alternate views. Creating such an environment is not easy to do, but it is vital to model this behavior through training with employees, so that employees can create similar safe environments that foster a diversity of views for student classrooms.

### **Do the prohibitions of HF 802 apply to cocurricular events or presenters (e.g., a project to study redlining in the community)?**

If the event or presenter is not part of the curriculum or a mandatory student or staff training, the prohibitions do not apply. Cocurricular events or presenters that are voluntary may address specific defined concepts.

### **Can staff allow students to engage in discussions about topics such as racial oppression, including systemic and institutional racism, as part of a classroom discussion?**

Yes. While HF 802 prohibits staff from teaching, advocating, encouraging, promoting or acting upon stereotypes or scapegoating toward others, it allows for this type of organic conversation on these topics among students. [HF 744](#) requires districts to protect the intellectual freedom of students and staff. Generally, this requires an educational environment that encourages the sharing of a diversity of viewpoints. It is important for staff to foster an environment where students with different or even unpopular views feel heard. The DE has issued [written guidance](#) that staff may mention actual or purported racist or sexist policies implemented by local, state or federal governments.

## Staff/Students

### **Our US History courses cover topics including slavery and redlining. Will our staff face adverse employment actions if they continue to teach this subject as part of our required curriculum?**

No, staff who work within the boundaries of their professional ethics and the requirements of HF 802 will not face adverse employment action. The historical topics listed above are facts and important when discussing US History. It is not the intent of HF 802 that our nation and our state's history not be taught. HF 802 explicitly states that the law is not intended to "prohibit the use of curriculum that teaches the topics of sexism, slavery, racial oppression, racial segregation, or racial discrimination, including topics relating to the enactment and enforcement of laws resulting in sexism, racial oppression, segregation, and discrimination." School boards should regularly review their policies and regulations related to curriculum development, implementation and inspection.

### **Does HF 802 prohibit an educator from indicating their own preferred pronouns or inviting students to express their preferred pronouns?**

No, HF 802 does not prohibit an educator from sharing their preferred pronouns or from inviting students to express their own preferences.

### **Can employees display in classrooms items that carry a social message, like a pride flag, "love is love," or "Black Lives Matter"?**

While displays such as these do not expressly "teach, advocate, encourage, promote, or act upon specific stereotyping or scapegoating," the decision to allow such displays should be carefully weighed against the backdrop of making all students feel welcome to engage in the school community. Constitutionally protected speech of employees is weighed against slightly different standards than students, as employees can and often are seen as representing the district when expressing their views. When courts evaluate whether employee speech is protected they often consider whether the employee's speech interfered with the employee's work performance; created disharmony between co-workers, undercut an immediate supervisor's authority over the employee or would erode the loyalty and trust required of the employee. Many districts have chosen to regulate the use by employees of items that carry a social message. Districts should first look to their board policies and administrative procedures for guidance on whether these items are permitted and if so, within what parameters.

### **Are employees permitted to serve as faculty advisors for clubs with a socially charged message?**

Yes. Faculty is permitted to serve in an advisory capacity to student-led groups. However, best practice is for employees to be mindful of their role as an advisor serving in an advisory capacity and not a participant in the club.

## **What new obligations does HF 802 impose on school districts to discourage discriminatory conduct?**

HF 802 requires diversity and inclusion efforts to discourage students from discrimination against others “by political ideology.” School districts must also prohibit employees from “discriminating against students or employees by political ideology.” Districts were previously required to have policies in place to discourage harassment and bullying on the basis of a student’s “political party preference” or “political belief” in [Iowa Code section 280.22](#). Subscribing districts have access to IASB sample policies which already comply with these new and existing legal requirements including policies on anti-bullying and anti-harassment; employee expression; and student expression.

## **The Board’s Role**

### **Can board members engage in equity training with district staff?**

Yes. Many districts are actively pursuing equity, diversity and inclusion work to increase achievement for all students in the district. This important work should continue and some districts are choosing to engage in this work from the top down. School board members are not employees of the district, and therefore HF 802 does not apply to them. However, any training that is combined with school employees should comply with HF 802.

### **What is the board’s role in responding to complaints from parents or the community about potential violations of these new laws?**

Board members should first seek to learn whether the parents or community members have followed the district’s policies and procedures related to bringing complaints to the appropriate individuals in the district. These policies will typically provide for a progressive chain of command that individuals can follow to have their concerns addressed. If appropriate, individuals may decide to request that the board hear their concerns on the topic. The board maintains discretion on what to place on the board agenda; however, due to HF 868, individuals now have a process by which they can require a topic of concern be placed on the board agenda through a petition.

## **Parents/Community**

### **How do individuals make complaints if they believe district employees have violated any portion of these laws?**

Parents are encouraged to follow their school district’s board policies on employee complaints and grievances. While each district is different, typically these policies will require the parent to start at the lowest organizational level for voicing their concerns. For concerns related to curriculum, most districts have policies in place for parents to voice concerns about curriculum.