

ADVISORY

KNOW YOUR RIGHTS DEFEND PUBLIC EDUCATION.

Public education is being turned into a wedge issue by partisan extremists who seek to manipulate our schools for their political gain. At school board meetings across the country, fringe-right radicals are calling for the banning of books, censorship of curriculum that does not align with their political positions and demanding that educators who refuse to comply with their demands be fired. This political campaign is being carried out under the guise of “parental rights,” but the truth is that the individuals making these demands often do not have children in the schools and are sometimes not even residents of the district.

As educators are increasingly coming under scrutiny and attack in this disinformation campaign, the NJEA Center for Honesty wants to ensure that our members not only know their rights but also know how to access

NJEA’s resources to defend yourself. If you or one of your members are facing such an attack, whether by members of the public or district administration, your first step should always be to contact your local leadership and your [UniServ Field Rep](#). Be sure to also report this attack by using the Center for Honesty [reporting tool](#). Your local leadership and [UniServ Field Rep](#) have the backing of NJEA’s Center for Honesty in Education, a group comprised of NJEA members and staff, including staff from NJEA’s UniServ, Government Relations, Communications, Organizational Development, Legal Services and Professional Development and Instructional Issues departments. Read on to learn about common methods of attack we have seen by partisan hate groups in New Jersey and what to do if you encounter them.

Attacks on Curriculum

Increasingly we are noting individuals appearing at boards of education calling for the censorship of curriculum pertaining to race, gender identity and sexual education. While most vitriol is directed at members of the board, in some cases we have seen individual educators called out for teaching the Board-approved, district curriculum.

Board-approved curriculum must include, at a minimum, legally mandated inclusive curriculum. Currently, state law requires instruction on the [Holocaust and genocide](#), [contributions of persons with disabilities](#), [contributions from the LGBTQ+ community](#), [contributions of Asian Americans and Pacific Islanders](#), [sexual education](#) and the recently [updated Amistad curriculum](#),

which encompasses enslavement in America and the contributions of African Americans to our country. Boards should be encouraged to, and may already have adopted in its policies, other inclusive teachings beyond what is required by law. The state may also add to the required curriculum in future legislation.

Local organizing should focus on building community support for inclusive curriculum. If an individual is disciplined for their use of inclusive curriculum, they should contact their local leadership and their [UniServ Field Rep](#). The grievance arbitration process or other remedies may be appropriate to address the discipline.

Members should take care to submit lesson plans to administrators to the extent that submission is required

by contract, Board policy, or practice. Ensure that those lesson plans are complete and accurate, including all resources used in the classroom. In the face of complaints or pushback, administrators will be able to better support teaching staff members who have submitted their lesson plans to the extent submission is required.

Additionally, members should be aware that parents are only permitted to opt out of comprehensive health and physical education standards for health education, meaning they can only opt out of the sex education portion of the curriculum. All other inclusive curriculum is state mandated without an opt out provision.

If there are complaints raised regarding the content of your instruction or materials you are using, seek support from your local leadership, NJEA [UniServ Field Rep](#) and if a good relationship exists, your school administrators. If complaints from members of the public and/or parents rise to the level of a dispute with or discipline from your employer, immediately contact your local leadership and your NJEA [UniServ Field Rep](#), and report it at njea.org/edhonesty.

Attacks Using Public Information

Participants in online hate groups, notably NJ Fresh Faced Schools and Team Protect Your Children, have been encouraging their members to file public information requests of their school districts, seeking personal contact information, compensation records and email correspondence. In addition to public records held by the district, certain groups have started to target school employees who have signed public petitions or have posted on social media and have gone so far as to identify and publicly list their names and districts online.

Be aware that documents, including emails, lesson plans and other teaching materials in the possession of a school district or other public entity could be subject to public disclosure under New Jersey's Open Public Records Act (OPRA), if the district has records responsive to an OPRA request and an exception to disclosure does not apply.

- Public entities are not required to create records that do not already exist in response to an OPRA request.
- The custodian of records, a person designated by the district, is the appropriate person to respond to an OPRA request. Individuals should not take it upon themselves to respond to an OPRA request.
- If you are asked to create new records or documents in response to an OPRA request, or asked to respond directly to an OPRA request instead of the custodian of records, notify your local leadership immediately.

- School emails can be subject to OPRA requests. All Association communications should be sent and received by personal email addresses, not school ones. If you would like to update your contact information on file with NJEA, you can do by logging in to your profile on njea.org.

Prior to signing any petitions, be sure to carefully review the wording of those petitions. For example, it is better to advocate for changes in policy to the curriculum rather than signing a petition threatening to defy the established curriculum. Be aware of the information you are providing when signing that petition, such as your name, address and connection to any of your social media accounts, as certain groups have used this information to target and harass those who have signed petitions they disagree with.

Certain groups may also search through public educators' social media accounts, on a fishing expedition for potential misconduct, or simply viewpoints that differ from their own to make them targets of harassment. Routinely check the privacy settings on all social media accounts and be selective about who you approve as a friend or follower. Remember that "friends" can screenshot your posts and share them outside of your trusted circle.

If someone attempts to use public information of this sort against you in connection with your employment, immediately contact your local leadership and your NJEA [UniServ Field Rep](#), and report it to the Center for Honesty in Education at njea.org/edhonesty.

Accusations from Members of the Public

As extremists continue to attend board meetings to complain about educators, make online posts about school employees, or send correspondence to school districts making accusations toward our members, it is important that you understand your rights should you become the target of one of these attacks.

Observations & Evaluations

Comments and criticism from outside third parties cannot factor into observations and evaluations. Scores must be tied to the work observed and the goals set in the evaluative process. Members should discuss any concerns with their observing administrator during post-observation conferences and communicate with their association representatives. Concerns regarding scores or comments can be documented through the rebuttal process.

Harassment, Intimidation & Bullying Complaints

There are specific procedures that must be followed when a HIB complaint is filed and investigated that should be found in the district's HIB policy. These procedures are in place to ensure a fair process is followed when investigating and making determinations on HIB complaints. If you are named as the target of a

HIB complaint, reach out to your association representatives and NJEA [UniServ Field Rep](#) for support. Note that while students or adults can be HIB offenders, only students can be the victim of a HIB.

Indemnification

If a civil legal action is filed by a parent, guardian, student, or other third party and you are named as a defendant in the capacity of your employment, the district is required to provide you with legal representation in most circumstances. If you are served with a legal action, reach out to your local leadership and your NJEA [UniServ Field Rep](#).

The School Ethics Act

The School Ethics Act applies to school board members and defines their role as members of the Board. Board members are to engage in policy making, while the management of staff, including but not limited to the evaluation of staff, and control of the curriculum is within the purview of the superintendent and other school administrators. Ethics charges are a potential consequence in the event board members inappropriately attempt to manage staff or control instruction.

Defending Yourself

If you find yourself the target of one of these attacks, or any other situation in which you feel your rights are violated, contact your local leadership, [UniServ Field](#)

[Rep](#) and report the attack at njea.org/edhonesty. Your union and the Center for Honesty in Education is here to help!