

✗ WHAT YOU SHOULD NOT DO:

DO NOT Proactively Offer Opt-Outs.

Do not create your own opt-out forms or procedures or suggest them to parents. This can create legal and logistical problems for you and the district.

DO NOT Self-Censor.

Do not remove books from your classroom library or alter your lesson plans to avoid potential controversy unless you are explicitly directed to do so by your administration through a formal policy.

DO NOT Create "Alternative Assignments" Preemptively.

Developing alternate instruction should only be done in response to a formal, districtwide opt-out policy and with guidance from administration.

OUR ONGOING COMMITMENT TO ALL STUDENTS

This legal challenge does not change our professional or moral obligation to our students. We must continue to:

■ Foster Safe and Welcoming Environments:

Ensure that your classroom remains a place where every student — including LGBTQ+ students and those with LGBTQ+ family members — feels safe, seen and supported.

■ Teach Diverse Perspectives: Emphasize the educational value of a comprehensive curriculum. Books are windows and mirrors that with diverse, and sometimes challenging viewpoints, help students understand the world and people with different experiences.

■ Engage Professionally: Your voice matters. Participate in school board meetings and established curriculum review processes to advocate for inclusive, high-quality public education.

MEETING YOUR OBLIGATION FOR AN INCLUSIVE CURRICULUM IN NEW YORK

Educators in New York have a legal and ethical obligation to use an inclusive curriculum, rooted in state law and guidance from the New York State Education Department. The narrow federal ruling in *Mahmoud v. Taylor* does not override these foundational state-level requirements.

These mandates expect New York educators to go beyond simply avoiding discriminatory content. They create a responsibility to actively incorporate diverse perspectives, affirm student identities and create learning environments that are welcoming and equitable for all. Key provisions that ground this work include:

■ The Dignity for All Students Act:

This law works to ensure all students have access to a safe and supportive educational environment free from discrimination, intimidation, taunting, harassment and bullying.

■ NY Education Law § 801 and 801-a:

These sections of the education law require instruction in civility, citizenship and character education, and they expand upon the concepts of tolerance, dignity and respect for others.

■ NYS Board of Regents Policy on Diversity, Equity and Inclusion: This policy from the state's highest educational authority affirms a commitment to DEI principles in our schools.

■ Joint Guidance from NYSED and the NYS Attorney General: This guidance further details the state's commitment to implementing diversity, equity and inclusion in education.

These state laws and policies provide a clear basis for school districts to maintain and defend an inclusive curriculum that serves the needs of all students.

QUESTIONS OR CONCERNS?

Contact your local leaders or NYSUT labor relations specialist for guidance on how this ruling may specifically impact your district or teaching situation.