

Florida Educators and Students File Lawsuit Challenging “Stop W.O.K.E.” Law

ACLU, ACLU of Florida, Legal Defense Fund, and Ballard Spahr are representing the educators and students

Press Briefing: TODAY at 12:30 p.m. ET

Zoom Webinar Link: <https://aclu.zoom.us/j/87237127028>

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ORLANDO, FL – A group of students and educators filed a lawsuit today challenging Florida’s HB 7 — also known as the Stop Wrongs Against Our Kids and Employees (“Stop W.O.K.E.”) Act — a law that bans Florida educators and students from learning and talking about issues related to race and gender in higher education classrooms. The plaintiffs are represented by the American Civil Liberties Union, ACLU of Florida, the Legal Defense Fund (LDF), and Ballard Spahr. Florida is one of nearly 20 states across the country that have passed similar laws aimed at banning discussions around race and gender in the classroom.

The lawsuit argues the Stop W.O.K.E. Act violates the First and 14th Amendments by imposing viewpoint-based restrictions on educators (including professors, lecturers, and student teaching assistants) and students that are vague and discriminatory. Additionally, it argues the Stop W.O.K.E. Act violates the Equal Protection Clause because it was enacted with the intent to discriminate against Black educators and students.

“All educators and students have a right to teach and learn free from censorship or discrimination,” said **Leah Watson, senior staff attorney with the ACLU Racial Justice Program**. “The First Amendment broadly protects our right to share information and ideas, and this includes educators’ and students’ right to learn, discuss, and debate issues around systemic racism and sexism. In an effort to prevent progress towards racial justice, the Stop W.O.K.E. Act deprives educators and students of important tools to challenge racism and sexism. We urge the court to put an immediate stop to this discriminatory classroom censorship bill.”

“The murders of George Floyd, Breonna Taylor, and Ahmaud Aubrey helped inspire a racial reckoning in Florida, and across the nation, in the summer of 2020. As part of this reckoning, Floridians engaged in protests against police brutality and systemic racism, and colleges and universities in the state also launched initiatives to promote anti-racism, equity, and inclusion,” said **Morenike Fajana, assistant counsel with LDF**. “In response to community efforts to challenge racism, the Florida legislature passed ‘Stop Woke,’ a measure that perversely co-opts Black vernacular in order to greatly restrict speech related to systemic injustice and anti-Blackness—and even goes as far as to hold taxpayer money hostage as a threat to keep educators and students from speaking freely about their areas of study and their own lived experiences with discrimination.”

Rather than allow important issues around race and gender discrimination to be debated and explored in public education, Florida lawmakers — working together with Gov. DeSantis — have moved to impose their own viewpoints in state higher education. The law prohibits educators from teaching or even expressing viewpoints around racism and sexism that are disfavored by Florida lawmakers, even where those viewpoints are widely accepted and considered foundational information in their academic disciplines. The bill specifically targets and places vague restrictions on educators’ ability to teach and discuss concepts pertaining to systemic inequalities, including the legacy of slavery in America, white privilege, and anti-racism.

“The Stop W.O.K.E. Act is a shameful result of propaganda and fear-mongering,” said **Jerry Edwards, staff attorney with the ACLU of Florida**. “A free state does not seek to curtail the inalienable right to free expression in its college and university classrooms. Both the passage of this law and the conversations in support of it all have one thing in common: the people in power are terrified of students learning the truth about horrific racial violence that many residents in this state either survived or perpetuated. If we do not learn from the past, we are merely damned to repeat its gruesomeness.”

**The Higher Education Affiliate of Florida Education Association, National Education Association,
American Federation of Teachers, and AFL-CIO**

The Stop W.O.K.E. Act imposes harsh penalties — including termination — for educators who have been found to violate the law. However, because the law is so vague, it is extremely difficult for educators to determine what they can or can't discuss in their classes that might violate the law, leading to a chilling effect in the classroom. This has led educators to change their course offerings or avoid leading class discussions on topics around race and gender inequities out of fear of punishment and losing their jobs.

Plaintiff LeRoy Pernell, a Black professor of law at Florida A&M University, fears the Stop W.O.K.E. Act will restrict his ability to effectively teach his courses and foster discussions on important topics related to race that will help prepare his students to be successful lawyers and advocates.

“As an educator, I should be able to exercise my right to share ideas, information, and knowledge with my students about critical issues that will help prepare them to become successful advocates and lawyers,” said **plaintiff Dr. LeRoy Pernell**. “The Stop W.O.K.E. act attempts to censor discussions and erase the history and life experiences of Black people, LGBTQ folks, women, and other people of color who struggle on a daily basis to achieve racial justice and make a positive change. We deserve to have free and open exchanges about racism in the classroom.”

As a result of the bill's passage, universities across Florida have canceled or scaled back diversity and inclusion trainings and have taken down public-facing statements denouncing racism. This creates a hostile climate that stigmatizes talking about race on campuses and generates fear among plaintiffs and other Black educators and students who teach or take coursework that discuss race and gender issues.

Plaintiff Johana Dauphin is a Black student at Florida State University and active member of the FSU student body working to advance social and racial justice through extracurricular activities. This fall, Dauphin is enrolled in two courses at FSU that she fears will be negatively impacted by the Stop W.O.K.E. Act. Dauphin believes that due to the law's restrictions, she will be denied information and instruction essential for her educational enrichment.

“I fear that this law will cause my professors to avoid discussing race and gender altogether, which will result in my perspective and lived experience as a Black, female student being effectively minimized and erased in the classroom,” said **plaintiff Johana Dauphin**. “As a student, I deserve to see myself and the issues that impact me — including issues around race and gender — reflected in my classroom discussions.”

The groups are asking the court to declare the law unconstitutional under the First and 14th Amendments and are urging the court to issue a preliminary injunction that would put an immediate stop to the bill and allow students and educators to have full and open discussions around race and gender in the classroom.

“Attacks like this on the ability of educators to teach and of students to learn are corrosive to the fundamental values integral to a just, informed, and equitable society,” said **Jason Leckerman, Chair of the Litigation Department at Ballard Spahr**. “We're proud to partner with the American Civil Liberties Union, ACLU of Florida, and the Legal Defense Fund to take a stand for what's right.”

The ACLU has challenged similar laws in Oklahoma, which was the first federal lawsuit challenging one of these bills, and in New Hampshire and awaits rulings in both cases.

PRESS BRIEFING TODAY at 12:30 p.m. ET: Lawyers and plaintiffs in this case will offer brief remarks on today's lawsuit, followed by a question-and-answer period for media. Zoom webinar link is here: <https://aclu.zoom.us/j/87237127028>

The complaint can be found [here](#).

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