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TO: House State & Local Government Committee  
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio  
DATE: September 22, 2021  
RE: House Bill 322 – Opponent Testimony

To Chairman Wiggam, Vice Chair John, Ranking Member Kelly, and members of the House State & Local Government Committee, thank you for this opportunity to provide opponent testimony on House Bill 322.

The ACLU of Ohio believes there are numerous reasons to oppose HB 322. But, much of this bill boils down to what and how do we teach Ohio students about race and racism.

Starting in the early 1800s, and with many/most of the laws lasting almost 50 years, Ohio lawmakers devised a deliberately racist system of government.

By law, black Ohioans then could not vote. They could not hold office. They could not serve on juries. They could not testify in court against white people. They could not serve in the state militia. They could not own guns. They could not marry white people. They could not attend public schools, until they were permitted to attend segregated public schools.

Under HB 322, should a teacher or school district wish to inform her students of this history, she is forbidden to teach it or refer to it as deliberate, systemic racism. This bill requires “slavery and racism” be taught only as “deviations from, betrayals of, or failures to live up to the founding principles of the United States, which include liberty and equality.” (Lines #295-299)

Which begs the question -- how many of these laws in our history, passed and enacted by elected leaders over centuries, are needed before such “deviations” are finally recognized as much more than that.

HB 322 goes even further by demanding any classroom discussions of “current events or widely debated and currently controversial issues of public policy or social affairs” be done “from diverse and contending perspectives.” (Lines #239-243)

However, HB 322 offers no definition of or guide to what is a “widely debated and currently controversial issue of public policy or social affairs,” leaving teachers guessing as to the state legislature’s demands. When such uncertainty exists, people err on the side of caution and abandon the topic(s). Perhaps that is the goal of HB 322.

HB 322 does not stop there. It also:

- Forbids schools from allowing any/all coursework requiring students to lobby for any legislation or advocate for any social or public policies or collaborate with any organization or group that does; (Lines #244-256);
- Allows individual teachers to opt out of classes or coursework if there is designed to be discussions of current events or “widely debated and currently controversial issues of public policy or social affairs.” (Lines #232-238). (It is only a matter of time before this is interpreted to include biological evolution, teen health and sex education, and much more);
- Applies the school requirements to all state agencies that any staff training, employee materials, etc. frame racism only as a deviations or betrayals of American founding principles; (Lines #264-267);
- States teachers and staff cannot be required to accommodate transgender students, such as school guidance counselors, school medical staff, or the use of appropriate pronouns; (Lines #311-316).

There is more to be said about our opposition to HB 322, but I hope these prove sufficient.

Our suggestion and wish is for the General Assembly to abandon bills that make Ohio appear frightened, hesitant, or opposed to discussion or instruction in our schools of race, historical or ongoing racial oppression in the US and Ohio, or whatever someone somewhere thinks are “widely debated and currently controversial issues of public policy or social affairs.”

When we hide from, or silence these topics, we do a disservice to Ohio’s students and the entire state, especially black and brown students and residents. We urge your defeat of House Bill 322.