

**Proponent Testimony on H. B. No. 151,
“The Ohio Higher Education Enhancement Act”
House Higher Education Committee**

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Mr. Chair and distinguished members of the Committee, I am Adam Kissel, Visiting Fellow for Higher Education Reform at a think tank in D.C., speaking for myself, in favor of H. B. No. 151. Thank you for this opportunity to share my thoughts.

I have worked in higher education policy, advocacy, and philanthropy throughout my career. For five years I worked at the Foundation for Individual Rights in Education (FIRE), defending faculty members and students against violations of their rights. I also was Deputy Assistant Secretary for Higher Education Programs at the U.S. Department of Education under Secretary DeVos.

Mr. Chair, as recently as two generations ago, only a small proportion of Americans went to college. Today, for a substantial proportion of Americans, college is a normal part of adult culture. Through trillions of dollars in student loans, we have democratized higher education.

One unintended result is having thousands of professors and university administrators who think of themselves as political actors. They think of their colleges and universities as democratic institutions that should take political stances and become political players.

We used to give deference to our public colleges and universities because we *could* trust them to cleave to knowledge, wisdom, truth, beauty, and goodness. But now, far too often, they *are* political actors. They broke our trust when they became activist, and the democracy has come back knocking on the gates, saying, “We pay for this. Give us accountability.” And I believe that’s the main reason we are here with H. B. No. 151 today.

Let me focus on what I think are the most important provisions of this bill.

First: Institutional neutrality and viewpoint diversity.

The fundamental mistake of DEI (“diversity, equity, and inclusion”) is to categorize people by group identity rather than as unique individuals. Diversity programs use identity as a proxy for the actual viewpoint diversity that makes colleges flourish.

The antidote to this is the University of Chicago’s Kalven Committee Report. Here is a short excerpt:

“To perform its mission in the society, a university must sustain an extraordinary environment of freedom of inquiry and maintain an independence from political fashions ... [It must] encourage

the widest diversity of views within its own community.”¹

To this end, H. B. No. 151 requires institutions to commit to institutional neutrality while not interfering *at all* with classroom discussion. It also prohibits any segregation of students by race; it prohibits mandatory diversity training, which includes training in discriminatory concepts; and it prohibits diversity statements and ideological litmus tests in employment and admissions.

Unfortunately, institutions nationwide *have* filtered faculty job applications on the basis of required DEI statements. These statements have enabled universities to engage in unlawful discrimination.² The United States no longer requires a professor to reveal if he is a member of the Communist Party, but these required statements do much the same.

Second: Civic education. American adults know very little about our system of government. The Annenberg Public Policy Center documents it: Only 47% of U.S. adults can name all three branches of government. One in four can't name any, and one in four can't name a single First Amendment freedom.³

High school civics clearly isn't enough. And nationwide scores of eighth graders on the National Assessment of Educational Progress (NAEP) in civics and in history are the lowest they have *ever* been, over 25 years of testing. Only 13% of students scored as proficient in history, and only 22% scored as proficient in civics.

In response, this bill requires three credit hours in American government or American history, with a focus on core American documents.

Third: Syllabus transparency. Students deserve to know, at least a week ahead of time, what their classes entail. So does the public.

Fourth: The bill protects student instruction by prohibiting strikes.

Fifth: The bill prevents China from establishing beachhead programs at Ohio institutions.

Finally: Opponents of a similar bill in Texas raised the specter of accreditation, so I've looked this up. Mr. Chair, let me assure you that no regional or national accreditor requires what this bill prohibits, or prohibits what this bill requires. And because this bill leaves classroom decisions to the professors, it raises no concerns for individual academic freedom or free speech.

What this bill *does* show is that legislators are rising to meet their responsibilities for oversight and accountability of higher education, and I commend the sponsors of this bill.

Thank you again for the opportunity to comment.

¹ https://provost.uchicago.edu/sites/default/files/documents/reports/KalvenRprt_0.pdf

² Aaron Corpora, “In Rare Move, Texas Tech Rescinds DEI Litmus Test for Faculty. Others Aren't As Lucky,” <https://www.thefire.org/news/rare-move-texas-tech-rescinds-dei-litmus-test-faculty-others-arent-lucky>

³ <https://www.annenbergpublicpolicycenter.org/political-communication/civics-knowledge-survey/>