



Senator Andrew O. Brenner – 19th District
Education Committee
March 4th, 2025
Senate Bill 113 – Sponsor Testimony

Vice-Chair Blessing, Ranking Member Ingram, and members of the Senate Education Committee, thank you for the opportunity to testify on Senate Bill 113. This legislation would prohibit diversity, equity, and inclusion (DEI) policies in public schools.

Specifically, the bill prohibits:

- Any orientation or training courses regarding DEI,
- The continuation of existing or the establishment of new DEI offices or departments, or
- Using DEI in job descriptions.

In doing so, we will create an environment where children are given the time and resources to have the desired effects of DEI: better outcomes and the equality of opportunity.

As we shape the future of education, we must ask ourselves: Are we preparing students to succeed based on their character, effort, and merit? Or are we reducing them to racial categories that determine their opportunities? Unfortunately, DEI does the latter, it prioritizes identity over ability, promotes racial preferences over fairness, and undermines the very ideals that Dr. Martin Luther King Jr. fought for.

DEI Opposes Martin Luther King Jr.'s Vision

Dr. King dreamed of a society in which individuals are judged by the content of their character, not the color of their skin. However, DEI-driven policies in K-12 education reject this fundamental principle by enforcing race-based preferences in curriculum, hiring, and student discipline.

Instead of helping students excel based on effort and ability, DEI teaches them that race is their defining characteristic. Instead of encouraging competition and high standards, DEI lowers expectations to achieve so-called equity, a system that guarantees equal outcomes, not equal opportunity. Instead of fostering unity, DEI deepens racial divisions by categorizing students and teachers into groups of so-called oppressors and oppressed.

DEI in Education is a Modern Form of Racial Discrimination

We have seen firsthand how DEI policies create racial preferences in hiring, curriculum, and student discipline policies that put identity before merit. The most glaring example of this was affirmative action in college admissions, which the United States Supreme Court struck down in *Students for Fair Admissions v. Harvard* (2023).

In this case, the Court ruled that racial quotas violate the Equal Protection Clause of the Fourteenth Amendment. Chief Justice John Roberts wrote in the majority opinion that, Eliminating racial discrimination means eliminating all of it. This decision reaffirmed what many of us already know: Racial preferences, no matter how well-intentioned, are unconstitutional and unfair.

If racial quotas are unconstitutional in higher education, why are we allowing similar DEI policies to take root in our K-12 schools?

The Negative Impact on Students and Teachers

DEI policies are not just unconstitutional they are damaging to students of all backgrounds:

They lower academic standards. When schools push for equal outcomes instead of equal opportunity, they eliminate advanced courses, gifted programs, and high-achievement tracking hurting all students, but especially those from disadvantaged backgrounds who would benefit the most.

They create a hostile learning environment. DEI initiatives tell students that some are inherently privileged while others are perpetual victims, fostering resentment rather than unity.

They punish high achievers in the name of equity. Schools have withheld merit-based awards from students of certain racial backgrounds to avoid disparities, as happened in the Thomas Jefferson High School admissions case in Virginia. In that case, the Fairfield County Schools saw an increase in African American enrollment to the expense of Asian American enrollment for the magnet school. It used factors such as eliminating an entrance exam and guaranteeing spots. The appeals court case allowed the DEI program to continue as the Supreme Court did not take it up. Justice Clarence Thomas and Alito dissented.

Meanwhile, teachers are being forced into divisive DEI training programs that promote political ideologies instead of focusing on how to teach reading, math, and science effectively. This is a distraction from our schools true mission: to educate, not to indoctrinate.

The Solution: Merit-Based Education, Not DEI

It is time to end racial preferences in K-12 education and return to a system that values hard work, personal responsibility, and academic achievement. We must eliminate DEI-based hiring practices that prioritize race over qualifications in selecting teachers and administrators.

We must restore merit-based programs such as gifted and advanced placement tracks to give high-achieving students a chance to excel. We must ensure curriculum decisions are made based on academic rigor, not political ideology. Instead of dividing students based on race, we should be lifting up all students based on effort, perseverance, and talent.

Removing DEI does not mean State and Federal laws have to be ignored. In fact, they should continue to be enforced. Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex (including pregnancy, sexual orientation and gender identity) or national origin. Gender identity and sexual orientation as was added from the Bostock v Clayton County 6 to 3 Supreme Court Ruling in (2020). Other federal laws should also be followed such as the Equal Pay Act of 1963, which requires equal pay for equal work, the Age Discrimination in Employment Act of 1967, and the ADA from 1990.

Conclusion

DEI does not stand for diversity, equity, and inclusion it stands for division, exclusion, and indoctrination. It is unconstitutional, unfair, and directly contradicts the vision of Martin Luther King Jr. We must stand against these policies and ensure that our schools teach students to rise based on their abilities, not their racial identity.

If we truly care about our children's future, then we must dismantle DEI in K-12 education and replace it with a system that values merit, opportunity, and fairness for all.

Thank you. I welcome any questions from the committee.