



Written Opponent Testimony on HB 327
House State and Local Government Committee
September 22, 2021
Submitted by Deborah Aubert Thomas, President & CEO
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Chairman Wiggam, Vice Chair John, Ranking Member Kelly, and members of the House State and Local Government Committee, thank you for the opportunity to submit written opponent testimony on House Bill 327.

My name is Deborah Aubert Thomas, and I am the president & CEO at Philanthropy Ohio, the statewide association whose mission is to lead and equip Ohio philanthropy to be effective partners for change in their communities.

Philanthropy Ohio and its members have engaged deeply in state education policy reform for the last 15 years, always with an eye toward ensuring that all students – regardless of zip code, race, gender or other factors – have equal opportunities to access high quality education in an aligned P-20 system that prepares them for a 21st century work force and democracy. Additionally, through our work on the Ohio Attainment Goal Coalition we've worked to advance the importance and value of postsecondary education credentials – a degree, a certificate or some other industry-recognized credential. Ohio's private funders are strong supporters of education in Ohio, seeking to improve educational opportunities and outcomes for all, from our earliest learners to those seeking post-secondary training and education whether at career-tech, two-year or four-year colleges and universities. Our reform work is done through our Education Initiative, a member-driven coalition that has as its primary focus areas:

- Strong measures of and accountability for student outcomes and school performance;
- Evidence-based school improvement and turnaround efforts to help low-performing schools;
- Increased access to high quality early childhood experiences in the Step up to Quality system;
- Increased post-secondary attainment through credentials of value in the workplace and/or degrees; and
- Strengthened teacher-leader effectiveness.

In addition to our deep interest in a sound education system across the state's 600+ districts and public higher education institutions, we also weigh in on this legislation due to our long-standing, strong commitment to diversity, equity and inclusion. Philanthropy Ohio has a long history of engaging our members around diversity, equity and inclusion and adopted a core value, declaring:

We believe that greater diversity, equity and inclusion is a matter of fairness and effectiveness in our profession. To have real impact in a diverse and complex world, organized philanthropy must effectively engage issues of diversity, equity and inclusion in an authentic way. We encourage all foundation leaders to sustain leadership commitment, authorization, learning and outreach and strategically and intentionally advance diversity, equity and inclusion in our organizations and grantmaking.



Our commitment to equity in education – across race, ethnicity, geographic location, gender and economic status – drives us to view this legislation through an equity lens that judges this legislation to fall short of an equity commitment to all Ohio students. We are deeply concerned that HB 327, as proposed and if passed, will impede on the progress Ohio has made in preparing *all* its students, as described below.

Limiting a robust education

Philanthropy Ohio's P-20 vision aspires to a time when each and every Ohio student is actively engaged in their learning, has access to high quality education opportunities in early-childhood, K-12 and post-secondary education and is prepared to enter the workforce and succeed in life. We believe a high-quality education has a whole-child approach at its base and strong, evidence-based curriculum and teach practices at its core.

House Bill 327's potential negative impact on teachers and curriculum is alarming in its potential far-reaching impacts that include:

- Teaching a limited version of history could interfere with students' ability to pass or score well on AP, IB, ACT and SAT tests;
- Ambiguity around who determines the "impartiality" in the permitted impartial discussion of controversial aspects of history;
- The withholding of state funds (from the Ohio Department of Education) for school districts that violate this provision will have significant impacts on local funding sources, teacher effectiveness and recruitment and, ultimately, student success.
- Limiting efforts to close opportunity gaps student among groups by centering color-blindness when specificity is needed to move toward equity.

Research shows that teachers matter more to student achievement than any other aspect of schooling. Not only do effective teachers raise student achievement but research shows they close achievement gaps and put their students on track to succeed in college, career and life. This is done through their motivation, inspiration and leadership. The cascading effects of provisions in this bill prohibiting teaching, instructing or training any divisive concepts in public schools is a disservice to the success of our students, especially those in disadvantaged communities. Our teachers prepare kids – in honest ways – to develop and use critical thinking skills when looking at societal and historical topics. Every child deserves and needs to build the



knowledge and skills needed to thrive in a diverse workplace and society, which this bill dramatically undermines.

Impacts on higher education and state agencies

House Bill 327 prohibits school districts, community schools, STEM schools, state agencies and state institutions of higher education from teaching “divisive concepts” or accepting private funding to further promotion of “divisive concepts.” If this legislation were enacted, it would cause these entities to self-censor an educational approach that has positive social and academic outcomes for students, especially students of color, and as a result would lead to increased gaps in outcomes by race/ethnicity due to current biases in of the traditional curriculum.

The law of unintended consequences

We strongly oppose this legislation on a number of issues related to education policy and would ask if the sponsors intend – by its language – to restrict the teaching of both historical and current American History topics? A definition of “divisive concepts” that are prohibited under the bill include many that are part of state standards as well as advanced placement and other college tests -- such as women’s suffrage, slavery and the Civil War, Native American displacement, civil and voting rights and labor movements. The legislation could create a chilling effect on teachers and their delivery of instruction as they struggle to identify what constitutes “divisive concepts” and limit what their students learn. We seriously hope that the bill’s sponsors do not intend to put Ohio’s graduating seniors at a disadvantage in their post-secondary plans and aspirations by limiting the comprehensive teaching of American history and current events.

Additionally, there are numerous other potential consequences that we find troubling as the bill could:

- Create ripple effects from limiting what courses can be included in educator preparation programs to what research can be conducted at public institutions and limiting university public policy programs as well as limiting the ability to support students' critical thinking skills and discernment of misinformation, both of which are key skills for today’s workforce;
- Create more state oversight of curriculum and reverse gains in state standards;
- Apply to state agencies and interfere with any department’s efforts focused on equity such as the Ohio Departments of Health’s Eliminating Racial Disparities in Infant Mortality Task Force or the Ohio Department of Education’s Task Force on Best Academic Practice Models for Black Students;
- Will affect partnerships that philanthropy has to support local districts with prohibiting “accepting private funding to develop curriculum, purchase course materials or provide training;” and



- Could create work force challenges in the ability to attract businesses and talent by not educating Ohio students to 21st century standards and creating an environment that doesn't value inclusivity.

Reversing commitment to local control

Finally, we are very concerned that this bill reverses a long history in Ohio of leaving curriculum decisions to local school boards, as contained in the Ohio Revised Code Section 3313.60, pursuant to ORC Section 3311.521. This massive reversal would impose new limitations on the school boards that know their communities best and are best positioned to make decisions about what is taught in the schools under their control.

In conclusion, we would posit that -- if we truly care about our student's growth and future prosperity -- then we should want them to be the best they can be. Rather than run from issues or history of racism and discrimination in our country, we should confront it head on. Our children and our state will be better for it and we should be preparing history teachers to teach the full scope of American history rather than handcuffing them by strict limits and uncertainty.

Thank you again for this opportunity to submit written testimony and please do not vote this bill out of committee as it stands. Feel free to contact me if we can provide any further information and insights about our position opposing this bill.