

OWITNESS INFORMATION FORM

Please complete the Witness Information Form before testifying:

Date: 9/21/2021

Name: Linda J. Fenner

Are you representing: Yourself Organization

Organization (If Applicable): Citizen Advocates for Public Education

Position/Title: Member

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Do you wish to be added to the committee notice email distribution list? Yes No

Business before the committee

Legislation (Bill/Resolution Number): HB 327

Specific Issue: Academic freedom; teaching honest history;

Are you testifying as a: Proponent Opponent Interested Party

Will you have a written statement, visual aids, or other material to distribute? Yes No

(If yes, please send an electronic version of the documents, if possible, to the Chair's office prior to committee. You may also submit hard copies to the Chair's staff prior to committee.)

How much time will your testimony require? written testimony only; not able to attend

Please provide a brief statement on your position:

Chairman Wiggam, Vice Chair John, Ranking Member Kelly, and members of the House State and Local Government Committee,

Thank you for allowing me to provide testimony on H.B.327. I am a lifelong citizen of Ohio, a parent, a grandparent, and a retired educator. I strongly support giving Ohio students a social studies education that is robust, engaging and encourages them to develop their sense of patriotism through the multiple perspectives presented in an honest exploration of our country's and state's histories. I am concerned, however, that H.B. 327 may undermine the social studies education that all Ohio students need and deserve to help them become responsible, informed citizens.

Here are my reasons for opposing H.B. 327 in its current form:

1. Less social studies will be taught because teachers will avoid the risk of being reported for a divisiveness infraction as defined in H.B. 327.

This will be especially harmful to civic education in the upper grades. The elementary school teachers and librarians I have been privileged to know and work with are passionate about teaching children about our country and the world. To make various social studies topics accessible to elementary students, teachers often use children's literature (classroom and library collections of books). These books, written for younger audiences, are historically accurate but use language for younger learners. They can include topics such as voting rights, school integration, the Emancipation Proclamation, the experiences of indigenous peoples throughout history, or apartheid in South Africa. What if these valuable resources are deemed "divisive" merely because of their subject matter and are removed from classrooms or the school library? Such "book banning" is already beginning to happen in some school districts around the country.

2. Enforcement will be impractical.

Someone will have to make judgments about what "impartial" teaching and teaching "without endorsement" mean. The prohibited behaviors will have multiple interpretations by those who experience them in the classroom as well as by the parents involved. Specific infractions will be difficult to prove. For example, what exactly does prohibition this mean: "Meritocracy or traits such as a hard work ethic are racist or sexist or were created by a particular nationality, color, ethnicity, race, or sex to oppress another nationality, color, ethnicity, race, or sex?" Does this refer to a specific incident? It's hard to tell from the language in the bill what is prohibited.

3. Enforcement will drain time and resources away from important administrative efforts to ensure quality teaching and learning in all classrooms.

Principals and teachers are already overburdened with the day-to-day demands of trying to deliver high quality learning experiences to a very diverse student population, especially during our current pandemic. School officials would need to devote time to investigating and adjudicating instances of the teaching, advocating and promoting of the prohibited subject matter. Documenting and providing due process when staff are accused of infractions will be time-consuming and costly if legal cases have to be prepared.

4. Perhaps there is a better way to address these matters by using the ["Code of Professional Conduct for Ohio Educators."](#)

The desirable public policy outcome implied in H.B. 337 seems to more simply stated in the language of the final portion of the proposed legislation itself:

"(D) Nothing in this section shall be construed to prohibit discussing or using supplemental instructional materials, as part of a larger course of academic instruction, **to teach divisive concepts in an objective manner and without endorsement.**[emphasis added] Such materials may include the following:

- (1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with the Revised Code concerning textbooks and instructional materials;
- (2) The **impartial discussion** [emphasis added] of controversial aspects of history;
- (3) The **impartial instruction** [emphasis added] on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region;
- (4) Historical documents permitted under statutory law, such as the national motto, the national anthem, the Ohio Constitution, the United States Constitution, the Revised Code, federal law, and United States Supreme Court decisions **as well as other primary source documents of historical significance** [text added]."

It is my hope the General Assembly will opt for a less complicated, and potentially fraught, path to ensuring the impartial teaching of social studies in Ohio. This should be a solution that emphasizes the importance of ethical professional conduct and allows the responsibility for ensuring this professional conduct to rest in the hands of Ohio's local school districts, which are governed by their elected school boards.

Respectfully,
Linda J. Fenner

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