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Testimony in Opposition to HB 327
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Ohio House State & Local Government Committee
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Chair Wiggam, Vice Chair John, Ranking Member Kelly, and members of the House State and Local Government committee, my name is Tim Johnson, and I am a policy advocate with the Ohio Poverty Law Center. The Ohio Poverty Law Center's mission is to reduce poverty and increase justice by protecting and expanding the legal rights of Ohioans living, working, and raising their families in poverty. I am here to voice our opposition to House Bill 327 the "Promoting Education, Not Indoctrination Act".

The COVID-19 pandemic has made learning difficult for everyone while exposing inequities imbedded within many of our systems. Racial turmoil in America has once again forced us to reckon with historical prejudice and disparities in education. Fortunately, groups of dedicated students, parents, teachers, and school administrators across Ohio have risen to the challenge of teaching a complete and more accurate version of history while making school a safe welcoming place for all students. They should be applauded for their efforts and supported by the state, instead we are here today to talk about HB 327, a bill that will radically change education in the state of Ohio.

HB 327 is an overreaction to a problem that does not exist. It is supposed to stop Ohio children from becoming indoctrinated with divisive concepts that children simply are not learning in the classroom. The bill lists several categories of divisive concepts schools would be barred from teaching. Each category is broad enough that it is easy to imagine any conversation that occurs in the classroom that deals with race in some way could be labeled as teaching a divisive concept. In addition to the "divisive concepts" outlined in the legislation, the bill prevents the teaching of concepts that included race stereotyping or race scapegoating. Both terms are also so all-encompassing and broadly defined, that they too will allow for almost any race-based discussion to run afoul of the legislation. This will have a profound chilling effect on teaching; silencing teachers from exploring and explaining uncomfortable but important parts of our history. Ultimately, it is the children who will lose the most, being denied an honest education because proponents of the bill do not believe they can handle the truth.

Stopping students from learning about difficult and complex subjects are not the only objectives of HB 327. The bill also seeks to actively punish school districts and teachers who teach “divisive concepts”. Parents, students, teachers, or community members can report if a school district or specific teacher is teaching divisive concepts. If a school district is found to have been teaching divisive concepts by the Superintendent of Education, the state will withhold 25% of the school district’s funding on the first offense, 50% of its funding on the second offense and 100% of its funding on the third offense. The General Assembly just passed a new school funding plan a few months ago that moves us closer to fulfilling our constitutional obligation, why are we now looking for ways to take that funding away? If a specific teacher is found to be teaching divisive concepts, then they can suffer penalties ranging from a teaching licensure admonishment on their first violation all the way up to a revocation of their license on the third violation. These extreme penalties will ensure that teachers, already nervous about how they are to teach their subject without violating the bill’s provisions, will be even more hesitant to provide students with the comprehensive education they deserve. Furthermore, there is no outline in the bill for how complaints are to be reported, what evidence a complaint needs to contain, how complaints are to be investigated, and what process school districts or teachers will go through to defend themselves for various accusations. The entire complaint process is ripe for abuse by bad actors or those with personal vendettas and will ultimately harm the teachers trying to do their jobs and students who are trying to learn.

Proponents of the bill point to some exceptions that they claim will allow for some divisive concepts to be taught, but this must occur in an objective manner without endorsement. The bill mentions for example that you may teach:

- The impartial discussion of controversial aspects of history
- The impartial instruction on the historical oppression of a particular group of people based on nationality, race, color, ethnicity, religion, sex, class, or geographic region

It is confusing how teachers are supposed to teach some things impartially. How does one teach about the horrors of the holocaust impartially? How does someone teach about the tragedy of the trail of tears or the evils of slavery impartially? There are only two real options in these scenarios, and neither is good. You could simply teach what happened and when, with no discussion on if the events were good or bad. Or you can say something is bad but then give reasons why the bad thing is also good to not appear to be taking a side. Teachers should be allowed, when appropriate, to teach in a way that highlights certain events as being wrong or right. The bill not only infantilizes students by assuming they cannot handle

delicate subject matter but will fundamentally alter how teachers are able to teach asking them to present objective truths as impartial lectures.

HB 327 doesn't stop at K-12 education however, it goes after higher education institutions as well. All the prohibitions on the teaching of divisive concepts will apply to higher education, and there are similar punishments involving funding and tenure considerations. Long considered a place for critical thinking and academic freedom, HB 327 would erode these principles and force institutions of higher education to teach a sanitized version of history. This seems to be at odds with recent efforts of the General Assembly to ensure that principles of free speech are upheld on college campuses.

Serious concern must also be given to how state departments and political subdivisions are also subject to HB 327. Last spring, Governor Mike DeWine convened his Minority Health Strike Force to look at how the state can address disparities in healthcare outcomes and improve the well-being of minority communities. The strike force produced a blueprint with recommendations that rely on addressing systemic and historical racism to achieve health equity. It is unclear if state agencies would be able to implement these recommendations, or if they would be forced to halt their work thanks to HB 327.

Political subdivisions could also be hampered by the provisions of HB 327. For example: would a city looking to foster a better relationship between its minority communities and the local police department, require police officers to undergo implicit bias training? It is not clear they could as the bill is currently drafted. Additionally, there is also an argument to be made that the language including political subdivisions violates Ohio's home rule policy, taking away the power of local governments to decide what initiatives and trainings are best for their employees and putting that oversight in the hands of the state.

HB 327 is a completely unnecessary bill that will do nothing to improve the education of students but will make it harder for teachers to do their jobs while creating a classroom atmosphere that stifles critical thinking and creativity. Ohio should not put teachers in a position where they will need a lawyer with them in the classroom just so they know what they can and cannot teach. I urge a no vote on HB 327 from the committee and will be happy to answer any questions you have at this time.