

ACLU OF RI POSITION: OPPOSE

**TESTIMONY ON 23-H 5688, 23-H 5739, and 23-H 5859,
ACTS RELATING TO PARENTS BILL OF RIGHTS ACT; CURRICULUM; AND
SCHOOL COMMITTEES AND SUPERINTENDENTS
March 29, 2023**

Though the ACLU of Rhode Island recognizes that parental or guardian consent and involvement can be a critical component of limiting government overreach and protecting certain rights to minors in their charge – including rights relating to the privacy of the minor – these bills go far beyond what is appropriate and seek to dictate curricular and educational decisions in ways that are not only censorious and contrary to fundamental pedagogical principles, but impractical to implement in all but the most arbitrary fashion. Rather, their breadth, and the manner in which they could infringe on the legitimate autonomy of minors themselves and impact important educational and pedagogical tenets, warrant a resounding rejection by this committee. To give just a few examples of the completely inappropriate scope of these bills:

- Section §23-99-5 of H-5688 allows for a broad ban on providing requested health care services to minors unless parental consent is first obtained. This provision likely would only lead to minors *avoiding* important health care that they may need – such as accessing psychological or sexual health services – and which, barring special circumstances, they should be able to access on their own.
- Section §16-71-7 of H-5688 allows for extensive parental involvement in the selection of educational materials which could serve to stifle important educational discourse. While it is perfectly appropriate, and constitutionally protected, for a parent to make their views known about the school curriculum and course studies, the extremely broad language in the bill suggests something more: that parents would have the right to dictate curriculum and study decisions – including the removal of material they deem harmful to “morality” – for both their child and even other students. Such a power infringes on students’ First Amendment rights and undermines the aim of providing inclusive education to all students.
- H-5739 goes even further by attempting to dictate a wide range of meaningless standards on how schools should teach. It would confoundingly ban any focus on the “cultural contributions of individual identity groups,” require “all sides” of any topic – presumably including both “sides” of the Holocaust in world history class and the position of flat-earthers in science class – to be “presented and explored”; specifically prohibit the use of one particular curriculum disfavored by the bill sponsor; bar civics classes from teaching political activism; and ban teachers from “advocating” any political beliefs, presumably even the merits of a democratic society over a dictatorship.

- H-5739 also encourages a regime of widespread censorship in the schools by barring terms that “are used to cast negative opinions” on individuals and, more incredibly, by prohibiting any books that “center any race, ethnicity, gender, religion or viewpoint.” Vast canons of literature and history would fall under this incredibly amorphous ban, as it is nothing more than a clarion call to wipe out any material that recognizes this country’s history of discrimination. Just this past week, following a similar standard, a school in Florida agreed not to show to second graders the Disney movie “Ruby Bridges” – the true story of a first grader who integrated an elementary school in the South in 1960 – because a parent complained that the movie might teach students that “white people hate black people.”¹
- H-5859, like H-5688, by generally barring schools from “infring[ing] on the fundamental rights of a parent to direct” their child’s education, is simply a recipe for chaos in the educational setting, once again allowing parents to dictate to the minutest detail what gets taught in school.

We acknowledge and support the fact that some provisions in the legislation serve to protect minors, their parents and the public interest harmoniously, such as H-5688’s consent requirements prior to the collection of biometric information of children (page 2, lines 22-23). However, overall, the breadth of these bills is mind-boggling in their encroachment on the autonomy of minors, on the role of public education in our society, and in the way they promote troubling avenues for the infringement of the rights of all students and a vast regime of censorship in the public schools. We therefore strongly urge rejection of each of these bills.

Thank you for your consideration of our views.

¹ <https://www.washingtonpost.com/nation/2023/03/28/ruby-bridges-movie-florida-school/>