

ACLU OF RI POSITION: OPPOSE

**TESTIMONY ON 22 – H 7539,
AN ACT RELATING TO EDUCATION - CURRICULUM
April 11, 2022**

The ACLU of RI is strongly opposed to this legislation which proposes to reform public school curriculum in Rhode Island in a manner which would have the sole effect of stifling any meaningful educational discourse around critical issues while at the same time demanding “balance” in discussing any issue, whether it be whether slavery was wrong or the earth is round. This bill follows the pattern of similar pieces of legislation introduced around the country, including so-called “don’t say gay” legislation and bills attempting to ban discourse around racial discrimination. The net effect is to turn schooling into something totally anti-educational.

The language within this bill is extraordinarily broad, and its framing around the prohibition of subjects or conversation is so vague that it is inherently unenforceable and has extraordinarily troubling First Amendment implications. We present a few brief, and non-exclusive, examples below as to both the chilling effect that this bill would have on conversations around critical social issues and the historical and contemporary effects of certain events, as well as the sheer impossibility of its potential implementation.

- This legislation would ban the use of terms such as “racial guilt” or the use of certain initiatives like “the 1619 Project” from schools. The intent of these provisions is clear and explicitly racially discriminatory. Indeed, the legislation shows its hand by citing as examples of alleged “racial slurs” only ones that would appear to apply to the majority white population, not those who have undeniably borne the brunt of discriminatory treatment since the nation’s founding.
- Banning information about the racial history of the United States that has a “viewpoint” only serves to deliberately obscure the contemporary legacy of systemic discrimination in our country. Teaching students about these topics is far from inappropriate – rather, it ensures that they grow into conscientious community members and prevents requiring teachers to be apologists for the irrefutable history of this country’s discrimination against certain groups.
- The requirements of this bill would be impossible to implement and would create situations which are ridiculous and flagrantly retrogressive. For example, this bill would require that history be “taught using the standards, customs, and traditions in use at the time of the historical event.” Following this language, any lessons

regarding early United States history presumably couldn't be taught to non-white students, who faced significant exclusion from public schools. Any history taught on the years prior to *Brown v. Board of Education* could be taught to a class that is racially segregated. Any lesson taught on earlier eras could theoretically incorporate the "custom and tradition" of corporal punishment. These examples are facially absurd but they represent the particularly inappropriate ways that this bill would attempt to reframe teaching.

- While claiming to ban educators from using "gender stereotypes," the bill would require that students be addressed by "the pronouns associated with their biological gender" unless parental or guardian permission is obtained. Students should be ensured of their own ability to safely express themselves in their school environment, whatever that may mean to them individually, and it is unconscionable that this right be conditional upon the terms of this provision.

This bill is unconstitutional, antithetical to the tenets of educational discourse and academic freedom, and extremely harmful in undermining a variety of key systemic issues relating to diversity in our public schools. An educational system cannot "help[] every child maximize their educational potential" as this bill claims to want if transgender and non-binary students are ridiculed, any discussion of racial and ethnic discrimination is banned as "ideological," and all sides of every topic must be explored upon pain of discipline. Whatever that represents, it is not an education in any common sense understanding of the term.

We urge that the committee reject this legislation and, in doing so, reject attempts at the quashing of discourse on critical pedagogical topics. Thank you for your consideration.