



The Ohio Association of Colleges for Teacher Education  
<http://www.acteohio.org/>

June 29, 2022

Dear Honorable Representatives of the Ohio House:

The Ohio Association of Colleges for Teacher Education (OACTE), a state affiliate of the American Association of Colleges for Teacher Education, represents teacher educators across all of Ohio's public and private institutions. The State University Education Deans (SUED) and the Ohio Association of Private Colleges of Teacher Education (OAPCTE) represent the leadership of all teacher education programs in Ohio. Together, we strongly oppose the passage of HB 616.

PRIMARY AREAS OF CONCERN: HB 616 prohibits any "divisive or inherently racist concepts" to be taught in K-12 schools, including "(a) critical race theory; (b) intersectional theory; (c) the 1619 project; (d) diversity, equity and inclusion learning outcomes; (e) inherited racial guilt; (f) Any other concept that the state board of education defines as divisive or inherently racist, in accordance with rules adopted under Chapter 119. of the Revised Code."

HB 616 explicitly states that kindergarten through grade 3 teachers cannot "teach, use, or provide any curriculum or instructional materials on sexual orientation or gender identity." This same exclusion of educational opportunities is also applied to fourth through 12th grade, with the addition of "in any manner that is not age appropriate or developmentally appropriate for students in accordance with state standards."

HB 616 also attempts to eliminate teachers' professional development related to concepts that teaches, promotes, or endorses divisive or inherently racist concepts.

HB 616 establishes a process by which any individual can file a complaint against a teacher or school official for teaching divisive concepts. These complaints could result in punitive measures against a teacher including losing their license.

OBJECTION: This bill is antithetical to the principle of freedom of speech and would be detrimental to P-12 education and as a result, detrimental to Ohio citizenship as a whole. Moore (2022) argues that "Freedom of expression is essential for participatory democracy, scientific progress, individualism, and civic education in K-12 schools and universities. Citizens must have access to all opinions, empirical

evidence, historical information, and competing narratives to make informed decisions regarding political candidates, policies, and issues” (p. 30).

Any attempt to limit this freedom limits students’ ability to engage in meaningful dialogue around sensitive topics that require consideration and discussion of differing opinions, including those that are controversial, disturbing, or radical.

OBJECTION: This bill interferes with students’ freedom to learn from and about our history as a people and limits their preparation for college, career, and citizenship. Students deserve to learn about all people and to see their own experiences in their school curriculum. HB 616 includes no definition or context within this bill for “age appropriate or developmentally appropriate.” The definition of “divisive concept” and the phrase “any other concept the state board of education defines as divisive or inherently racist” are exceptionally broad and will be unclear to teachers and administrators. Broad language like “divisive” will have vastly different interpretations leading to increased self-censorship of school personnel who are fearful of breaking the law. As an example, a government teacher may have had current events discussion in class for years as a way to learn about current topics and issues that local, state, and federal governments are working through. Many could be viewed as divisive as they often cause substantial disagreement. This teacher might wonder if they will be in violation of state revised code and might opt to stop teaching with and about current events instead of risk penalties. This would be highly detrimental to our students in Ohio.

OBJECTION: The proposed process for any individual to file a complaint against a teacher or school official for teaching a divisive concept and requiring punitive actions resulting in the potential loss of one’s teaching license raises the personal stakes for every teacher. Teachers in all communities at all grade levels may face fears that what they teach could be considered “divisive” by any individual’s perspective. The League of Women Voters (LWV) of Ohio argues that this legislation places undue burdens on the Ohio Superintendent of Public Instruction for enforcement. LWV states that the language in the bill is so subjective that they are unenforceable, while the harsh language and punishments alone may result in educator self-censorship to avoid controversy (<https://www.lwvohio.org/honesteducationmatters>). This legislation will exacerbate the teacher shortage by instilling fear and hesitation to enter a teacher preparation program. HB 616’s strict prohibitions and the proposed punishment for violators will create a climate of fear among teacher educators and teacher candidates. At a time when Ohio is facing imminent teacher shortages, this bill provides one more disincentive for young adults to enter the profession

OACTE advocates for “Policies that enhance the professionalization of teaching through the recognition and reward of teachers as knowledgeable professionals with specialized knowledge and skills.” Rather than trusting and treating teachers and administrators as knowledgeable, capable, responsive professionals who have the experience and expertise to work on the curricular issues around ethnicity, race, gender, sexuality, and other differences, this bill seeks to police districts and teachers through prohibition, intimidation, and threats of punishment that could ultimately eliminate discussions of difference at all.

Based on these concerns we, OACTE, SUED, and OAPCTE, oppose HB 616 and strongly urge you to vote against the bill.

Sincerely,

Brian Yusko, President  
Ohio Association of Colleges for Teacher Education

James C. Hannon, Chairperson  
State University Education Deans

Julie McIntosh, President  
Ohio Association of Private Colleges of Teacher Education

Moore, James (2022) Assaults on Freedom of Speech: Why Social Studies Must Defend the First Amendment, *The Social Studies*, 113:1, 30-49, DOI: [10.1080/00377996.2021.1949258](https://doi.org/10.1080/00377996.2021.1949258)