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ACLU OF RI POSITION: OPPOSE

**TESTIMONY ON 21 – H 6070,
AN ACT RELATING TO EDUCATION - CURRICULUM
March 31, 2021**

The ACLU of RI is opposed to this legislation which would seek to prohibit the teaching of “divisive concepts” in all state and municipal contracts, grants and training programs. Such a prohibition would stifle the ability for workplaces and educators to speak about important subjects, such as the racial history of the United States, and could ban a broad swath of enriching educational information solely because it discusses personal perspectives on race or sex, including the facilitation of diversity trainings. Not only does this bill have concerning First Amendment implications, but its enforcement would chill important conversations around critical social issues and the historical and contemporary effects of certain events, societal movements, or types of expression.

The implications of the language within this bill are extraordinarily broad, and its framing around the prohibition of subjects or conversation that could cause “discomfort, guilt, anguish, or any other form of psychological distress” to an individual on account of their race or sex is so subjective and vague that it is inherently unenforceable. Providing information about institutional racism, for example, or misogyny, may provoke feelings of guilt for some individuals – however, the argument that they cannot be discussed on these grounds is unconstitutional, antithetical to the tenets of educational discourse and academic freedom, and extremely harmful in addressing a variety of key systemic issues relating to diversity in our public environments.

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.

Submitted by: Hannah Stern, Policy Associate