

## ***THE OHIO COUNCIL FOR THE SOCIAL STUDIES***

### ***POSITION STATEMENT IN OPPOSITION TO HB 322 AND HB 327***

#### **Introduction to OCSS Opposition**

The Ohio Council for the Social Studies (OCSS) firmly opposes both House Bill 322 and House Bill 327 as they are hostile to a student's legitimate social studies education, they contradict or prevent the execution of existing educational policies and norms, and they violate the very principles of the democratic virtues classroom educators are supposed to teach.

First, these bills are contrary to the purpose of a social studies education. Passage of these bills would—whether out of real or perceived threat—stifle classroom discussions, impair critical thinking, dampen creativity, and impose restrictions on the very freedoms needed to obtain civic competency. Second, the value of learning about issues and relevant topics from multiple perspectives would be severely compromised and even eliminated, having a disproportionate and undue impact on marginalized groups. Third, HB 322 and HB 327 would impose penalties on teaching required by Ohio state and College Board standards. Passage of these bills will hinder the ability of students to earn Advanced Placement (AP) credits and access college entrance. Fourth, these bills alternatively discourage (322) the discussion of anything “controversial” and outright prohibit “divisive” topics (327) or those that might cause one to “feel discomfort, guilt, anguish, or any other form of psychological distress on account of an individual’s race or sex” (322) or that one by virtue of their nationality “bears responsibility for actions committed in the past by other members of the same nationality.” (327)

These limitations and prohibitions would in turn limit societal understanding to few viewpoints. These bills would not allow class credit for students who advocate for or against a particular public policy. Student engagement would diminish as student agency is eliminated. A source of pride in Ohio--autonomous local school board decision making--would be severely diminished. These bills would handcuff college and university-based Ohio teacher preparation programs in their responsibility to meet accreditation standards. In sum, HB 322 and HB 327 are the antithesis of the democratic principles fostered by social studies educators and must be rejected.

In advocating for a robust, rigorous, and meaningful K-12 social studies experience in Ohio's classrooms and communities, OCSS in part monitors legislation that impacts social studies education in Ohio and the professionals responsible for its delivery. When the legislation is considered to have a positive impact on social studies education in Ohio, the OCSS will vote in support. If the OCSS has questions or needs additional clarification on a local, state, or national proposed statute or policy, before issuing a position, we take the position of an interested party. When a proposed law or statute is determined as hostile by our Board to the very essence and purpose of outstanding social studies education, the OCSS will stand in opposition to that legislation.

## **The purpose of the social studies**

The Ohio Council for the Social Studies (OCSS) is a non-partisan organization that has been the premier voice of social studies professionals in Ohio since 1956. At the heart of the OCSS mission is advocating for and supporting the role of outstanding social studies teaching and learning in our schools and communities. In turn, Ohio students are best prepared to be active and informed participants in our democracy. The OCSS aligns itself closely with the purposes stated by both the Ohio Department of Education and the National Council for the Social Studies:

The Ohio Department of Education (ODE):

*“The aim of social studies is the promotion of civic competence – the knowledge, intellectual processes, and democratic dispositions required of students to be active and engaged participants in public life. Although civic competence is not the only responsibility of social studies nor is it exclusive to the field, it is more central to social studies than any other subject area in schools. Civic competence rests on a commitment to democratic values, and requires the ability to use knowledge about one’s community, nation, and the world; apply inquiry processes; and employ skills of data collection and analysis, collaboration, decision-making, and problem-solving.”*

*[Source: Ohio Social Studies Standards \(Page 3\)](#)*

The National Council for the Social Studies (NCSS):

*...The primary purpose of social studies is to help young people make informed and reasoned decisions for the public good as citizens of a culturally diverse, democratic society in an interdependent world.”*

*[Source: National Curriculum Standards for Social Studies](#)*

## **HB 322 and HB 327 are contrary to the purpose of a social studies education**

The United States is the greatest democracy in the world. This democracy has prospered because it has enabled its citizenry to conquer challenges with analysis from multiple perspectives, to clearly articulate its needs and desires, and to communicate with civil discourse. This truth—that the U.S. is the greatest democracy—is self-evident and a result of the free flow of ideas, the very bedrock of the formation of our country, it is how our country has faced challenges in the past and it is the pathway to our successful future.

Social studies education is in many ways the foothold to maintaining an educated citizenry that is necessary to maintain the democracy that we hold sacred. In fact, it is the most important purpose of the social studies.

## **HB 322 and HB 327 undermines the preparation of youth to engage multiple perspectives with a disproportionate impact on marginalized groups**

History education is best when youth, especially in an increasingly multicultural state and nation, see themselves and people like them, in our nation's past. These are stories of courage, sacrifice, and protest that show citizens of all walks of life risking life and liberty at great peril to take action in defense of our democracy. While our history has moved the United States to be bold and dream big, the study of this same history includes oppression and discrimination.

It is through accurate historical study that we are inspired to rise from our past together to forge a more inclusive and democratic future. House Bill 322 would specifically prohibit such a curriculum and conversation where youth "feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex." The sobering fact is there are dreadful events in our history which cannot be ignored in our classrooms that will likely make students feel uneasy. Examples include: the death and destruction of six million Jews based on race in Hitler's Final Solution, or that Ohio, while prohibiting slavery as a part of its 1803 Constitution, still maintained "Black Laws" that strongly discouraged Southern blacks to migrate to the state.

## **HB 322 and HB 327 creates gaps or challenges in the historical record, limits perspectives, and discourages and/or limits agency.**

The best way to maximize learning in the fields of history and social studies is to create a free marketplace of ideas in the classroom, not to discourage or censor them. The proposed legislation violates that intellectual-capitalistic idea of providing the student learners with choices in which to constitute their own historical understanding. Indeed, Thomas Jefferson wrote, "The remedy is not to take [control] from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power."

If these policies become law, they will cause fear, uncertainty, and a timidity among educators. Teachers intent on providing as much of the whole truth as possible will be reluctant to do so for fear of violating the law. Under the proposed legislation, teachers will ask students to piece together the puzzle of history with pieces intentionally or conveniently removed.

True, some theories, ideas, and narratives are better than others. And some may suggest that allowing unpopular ideas into a course might create a minefield for students. Yet minefields can be navigated with the proper skills and tools. Students should be seen wrestling with complicated truths to form inclusive, engaging, and accurate perspectives through inquiry and civil discourse.

However, threatening educators from teaching controversial issues, or abolishing the teaching of "divisive concepts" altogether, will void some of the most crucial skills needed to develop active and informed citizens. It will create gaps in knowledge and understanding while endangering the future of democracy. Perhaps Eleanor Roosevelt said it best, "Children must see how every cog in the wheel of democracy is important."

HB 322 and HB 327 seek to threaten student and educator truths. Much like the courtroom quest for justice is predicated on the "whole truth," so too is a social studies education where young people make informed and reasoned decisions based on an array of options. HB 322 and HB 327

would prevent the whole truth, and replace it instead with a comfortable truth or a preferred truth, a fragment of the truth.

Civic education teaches students how to advocate or take agency for worthy societal causes. Agency is the capacity and propensity to take purposeful action. A Harvard University study of more than 300,000 students in 16,000 classrooms concluded, “The development of agency may be as important an outcome of schooling as the skills we measure with standardized testing (Ferguson et. al 2015). That’s why so many social studies teachers have developed their practices to make agency the pinnacle of learning. However, this legislation will disallow and/or discourage such practices. Teachers in Ohio should be encouraging student advocacy for social reform and improved public policy, not discouraging it.

### **HB 322 and 327 will prohibit the curricular decision making process of local school districts**

Section 3313.6027 of 327(3,B,1,2) says “no state agency or school district shall accept private funding for curriculum development . . . materials, teacher training . . . pertaining to courses on history, civics, United States government and politics, social studies, or similar subject areas.” Though the OCSS agrees that vendors and experts should be vetted, such an outright ban would hinder the ability of districts to bring in legitimate vendors to support professional development of research-based best practices. This would also be significantly expensive for schools that have relied upon vetted vendors for resources and materials that local school boards have deemed appropriate.

### **HB 322 and 327 will harm preparing students for AP credit**

One of the greatest benefits to our students in Ohio is our continued investment in Advanced Placement (AP) courses that allow students to earn college credit while still in high school. Especially in our high-poverty and low-income communities, the credit helps offset increasing college tuition rates. Students who are Ohio residents pay an average of \$432 per credit hour for these courses. Average general education courses in Ohio are usually 3-4 credit hours, which can add up to \$1300-\$1700 per course.

(<https://educationdata.org/cost-of-a-college-class-or-credit-hour>).

These bills are at odds with the College Board’s Advanced Placement course requirements, and will prevent thousands of students from receiving otherwise earned college credit.

The AP US Government and Politics course is completed by more than 12,794 Ohio students (2020), which requires students to complete a civic engagement project that makes a community connection. The College Board’s Course and Examination Description (CED) identifies as a possible student project to “participate in a relevant service learning or civic event; or develop a sustained, applied investigation about local issues.” While students do have limits, the project certainly allows a student’s project to be “partisan based, if so chosen by the student(s).”

HB 322 would greatly limit such student opportunities as Section 3313.6027 part (B) prohibits students from

1. “work(ing) for, affiliation with, or service learning in association with any organization engaged in lobbying for legislation at the local, state, or federal level or in social or public policy advocacy;
2. Lobbying for legislation at the local, state, or federal level; or
3. Any practicum, action project, or similar activity that involves social or public policy advocacy.”

This prohibition would not only decrease student opportunities, it would rule out any efforts with non-profit organizations engaged in seeking improved public policy as basic as improving the local parks or assuring trash collection.

Argumentation is central to any social studies class and especially the AP Government and Politics course. HB 327 actually states, “Nor shall any school district require a student to advocate for or against a specific topic or point of view to receive credit for any coursework.” Asking a student to advocate for or against a policy is as basic to civics and government classes as addition or subtraction is to math or the Scientific Method is to every science class. Indeed, the AP Government Civic Engagement project guidelines and the AP Government free-response section of the exam call on students to do just that.

Advanced Placement Government and Politics students are not the only students adversely affected by this legislation. In 2020, more than 14,500 Ohio students, collectively, took the Human Geography, US History, and Modern World History AP exams. Each of these courses cover race, gender, class and the concepts made taboo in HB 322 and essentially barred in HB 327. With teachers increasingly fearing backlash for teaching these concepts, how are they supposed to effectively teach these courses? Our concern is that important topics in these curricula will be left out and that fewer Ohio students would earn college credit. The denial of teaching controversial and divisive topics will not only deprive students of a buffet of theories, these bills will cost families thousands of dollars in otherwise potential tuition discounts.

### **Teacher Preparation**

These bills would handcuff college and university-based Ohio teacher preparation programs (TPP) in their responsibility to meet the Council for the Accreditation for Educator Professionals (CAEP), NCSS, and SPA accreditation standards. These bills make CAEP reviews and compliance impossible, having significant consequences on national program recognition and state (in and outside of Ohio) educator licensing.

The Ohio Department of Higher Education, in consultation with CAEP, accredits TPPs that are able to show, through data and analysis of key program assessments, they are meeting the National Council for the Social Studies’ *Standards for the Preparation of Social Studies Teachers*. Standard 4 requires that TPPs prepare candidates to prepare learners to be informed advocates for an inclusive and equitable society. Element 4c specifically requires that TPPs prepare candidates to engage learners in ethical reasoning to deliberate social, political, and economic issues, communicate conclusions, and take informed action toward achieving a more inclusive and equitable society. Similarly, Standard 5 requires that TPPs prepare candidates to reflect and expand upon their social studies knowledge, inquiry skills, and civic dispositions to

advance social justice and promote human rights through informed action in schools and/or communities. This is the very goal of the social studies.

These standards are in direct conflict with the language in the bills; specifically, House Bill 322 that prohibits educators from “making a part of the course, or awarding course grading or credit for lobbying, work affiliation, or service in association with a lobbying organization, or any practicum, action project, or similar activity involving social or public policy advocacy.”

### **Summary/Conclusion**

These bills, without evidence or reasoning, argue against the discussion of the history and impact of racism, or anything “controversial” in our country. They seek to limit understanding to a rather narrow and protected point of view. Their solution around ending racial challenges is to silence or ban “divisive” teaching and learning in the educational setting. This is not a democratic solution. It is contrary to the purpose of social studies. HB 322 and HB 327 creates a chilling effect, negatively impacting not only the teaching and learning of social studies but also the learning of any topic or issue subject to debate in any subject matter. The Ohio Council for the Social Studies strongly opposes HB 322 and HB 327.