



**House Education**  
**September 21, 2021**  
**House Bill 5097: Oppose**

The First Amendment protects the right to share ideas, including the right of listeners to receive information and knowledge. We must protect this right, including educators' and students' rights to talk and learn about race and gender in schools. It is for this reason that the ACLU of Michigan opposes HB 5097.

All young people, especially students of color, deserve an equitable education and the right to learn and talk about issues such as gender and race. They have the right to freely learn and talk about the history, experiences, and viewpoints of all marginalized communities in this country. HB 5097 would create a chilling effect in the classroom setting that will silence these important conversations and undercut the fundamental right to free speech.

It's critical to protect educators' and students' rights to talk and learn about race and gender in schools. It is the ability to discuss and debate these ideas, even those that some may find uncomfortable, that is a crucial part of our democracy. Using a law such as HB 5097 to prevent robust, authentic talk about race and gender is anathema to free speech and in K-12 education, an overstep of the state and local government's authority in establishing curriculum. Instead of encouraging learning, the bills will effectively gag educators and students from talking about issues of the most profound national importance, such as the impact of systemic racism in our society.

Equal access to learning about the history, heritage, and cultures of diverse communities in our educational institutions is a racial justice issue. Representation matters. For students of color, the ability to talk and learn about the experiences and viewpoints of people of color and America's legacy of racism is critical to feeling connected and equally valued. This can help foster a feeling of belonging within the education system, support the growth and development of their identities, and can lead to greater academic success.

Banning open conversations about race — and gender and sexuality — in schools risks maintaining or creating education environments that are unwelcoming to students of color, women and girls, and LGBTQ+ students. Researchers and educators recognize that a school-wide approach involving education and training is necessary to combat harassment



and bullying on the basis of race and gender<sup>1</sup>. Laws akin to HB 5097 jeopardize this important work.

For all of these reasons, it's critical to protect educators and students' rights to talk about race and gender in schools. All young people, especially students of color, deserve an inclusive education and the right to express themselves around issues such as race. This bill would rob young people of an inclusive education and suppress speech about race, and gender.

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<sup>1</sup> <https://www.apa.org/advocacy/interpersonal-violence/bullying-school-climate>