

The Facts about HB 1134 *Education Matters*

HB 1134 is *not* an “anti-Critical Race Theory” bill.

It is important to understand that these bills *have nothing to do with critical race theory*. Rather, their primary intent is to censor discussion of race, racism, and historical racial inequities in classrooms and schools, to introduce surveillance in schools that encourages parents to complain about any teacher who does talk about race and racism, and to impose severe penalties upon teachers, principals, schools and school districts that violate these provisions.¹

The bill represents an assault on Hoosiers’ civil rights, on teachers’ freedom of speech, and on students’ rights to learn and critically think about their history and how it affects them today.

HB 1134 creates an irreconcilable conflict for Indiana educators.

- a. It states there is nothing in the bill that would prevent teaching about “historical injustice”
- b. Yet it bans teaching anything that would cause “discomfort” or “anguish” and threatens schools with civil suits if they violate that ban.
- c. How can schools teach about historical injustice without presenting historical events that make us uncomfortable? (e.g., enslaved families separated and auctioned off; forced marches of Native peoples, killing thousands along the way; the horrors of lynching and the Tulsa Race Massacre; children sprayed with firehoses and attacked by dogs for protesting segregation; George Floyd dying over nine minutes with a knee pressed against his neck)

These events *should* cause discomfort and anguish. Indeed, *it is impossible to teach the truth about important civil rights milestone without causing some level of discomfort and anguish. That discomfort is not for the purposes of making anyone feel guilty or ashamed of who they are. Rather, this discomfort helps instill a sense of compassion, and the commitment to no longer allow such things to happen to our fellow Americans.*

HB 1134 contradicts school improvement provisions already in Indiana statute.

- a. Indiana was one of the first states in the nation to mandate an Ethnic Studies course in high schools. How could that course be implemented without teaching the history, issues, and struggles of the various ethnic groups in our state and nation?
- b. Coalitions of educators, advocates and legislators *on both sides of the aisle*, have worked assiduously to improve Indiana educational statute in the areas of positive behavior support, culturally responsive instruction and classroom management, civics education, and educational standards. Yet this bill would allow the implementation of those *already adopted* provisions only to the extent that they conform to its prohibitions.

¹ The provisions of this bill are drawn directly from Donald Trump’s Executive Order 13950 (Sept. 22, 2020), inspired and largely written by conservative activist Christopher Rufo. The language of EO 13950 is replicated almost verbatim in the numerous “anti-CRT” bills introduced in various states, including Indiana.

HB 1134 contradicts most school vision and mission statements that seek to promote inclusive school environments, and prepare all students for a global, diverse society.

- a. How can schools fulfill those missions without educator training in diversity?
- b. Would schools be forced to change their mission statements, deleting any references to race, racism or culture?

HB 1134 contradicts Indiana's goal of teaching students to be critical thinkers.

- Under this bill, there could be no teaching of critical thinking skills as they relate to historical facts concerning race and racism, as teachers would be limited strictly to facts, and mandated to remain "impartial". Analysis, evaluation and synthesis of the horrific events in our history would be considered a violation of this bill that could result in lawsuit. This bill effectively punish teachers for doing their jobs, and fly in the face of what it means to teach.

HB 1134 prohibits teaching anything that could cause any individual to feel inferior; to feel discomfort, guilt, anguish, or any other form of psychological distress; or feel discriminated against. Yet t bans on discussing race, racism, and history would *increase* such feelings among Black and Brown students and their families.

- a. *HB 1134 would cause Black and Brown children to feel less than, inferior, and uncomfortable as their history and cultural heritage were erased from curriculum and instruction in their classrooms and schools.*
- b. *HB 1134 would clearly cause parents, regardless of their race, to feel that Black and Brown children are being discriminated against, since forcing teachers to have all of their materials examined to ensure it does not mention race or racism, or allowing students to opt out of the study of historical injustice, would be blatant discrimination against those children.*

The widespread feelings of discomfort, inferiority and discrimination that would be caused by this bill mean that HB 1134 would clearly create the very violations of parent and student rights that it claims to alleviate.

HB1134 would make it virtually impossible for teachers to teach

Can teachers teach if:

- They lose the right to teach critical topics, and all of their materials and activities (including websites, lesson plans, and even off-campus activities) must be examined--and possibly disapproved—in advance?
- Students could opt out of any part of their instruction, meaning that their classroom assessment and evaluation of student progress would have to be adapted *on a daily basis*?
- Their school may be sued, and *they themselves lose their license*, for violations of this law?

HB 1134 would make school administration impossible.

Can principals supervise and manage a school if:

- Curriculum and activities are determined entirely by outside groups?
- They will be responsible for almost constant re-assignment of students to other forms of high quality instruction on a daily basis?
- They know that, by implementing the provisions of these bills, they would be violating previous state statutes?

HB 1134 would dramatically increase teacher turnover.

- Research studies on teacher turnover show the most related factor to be those things related to school administration and loss of teacher freedom. Under the regime instituted by this bill, every piece of curricular material, every activity would need to be examined, either on a public website or in the office, *in advance of each lesson*. Teachers and administrators would be forced to work in a state of constant surveillance, and if accused of violating the race talk ban, could lose their license. Who could work under such conditions?

HB 1134 would be catastrophic for teacher recruitment, and severely undermine Indiana's goal of recruiting and retaining more teachers of color.

- Why would anyone wish to consider the already-difficult job of teaching under conditions of constant surveillance and punishment? In particular, why would students of color consider a profession in which they were banned from speaking about their own history and heritage?

HB 1134 mandates academic censorship.

- d. Teachers would lose the right to speak on a wide range of topics related to race, racism, or historical events.
- e. Schools would be subject to civil action if any of the school's materials or training activities violated the ban on racial speech.

HB 1134 runs counter to the Indiana General Assembly's tradition of local control.

- An emphasis on minimizing state or federal requirements placed on school governance has been a consistent hallmark of Indiana's education policy. The intrusion of the state in surveilling and punishing educators who violate the provisions of these bills would seriously undercut the notion of local control.