



AMERICAN CIVIL LIBERTIES UNION OF UTAH
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March 7, 2023

Dear Governor Spencer Cox,

We urge you to veto H.B. 427, a bill that will tie the hands of educators when discussing challenging but important issues in schools. Though H.B. 427 sets out to promote high-minded principles of individual freedom and equality, we believe it may undermine these goals in practice. We firmly believe that young people have the right to an inclusive, accurate, and honest education free from censorship or discrimination. They deserve to learn about our state and nation's past, present, and future in a comprehensive and truthful manner.

Unfortunately, we fear H.B. 427 may create more problems than it solves, especially when addressing challenging topics such as race, gender, sexual orientation, and systemic injustices. Due to inherent biases and the current attacks on educational spaces, LEAs, educators, and others subjected to this bill may interpret it as prohibiting instruction on these issues. For instance, many proponents of this bill have falsely equated teaching about racism and its contemporary existence with promoting "reverse racism" or portraying privileged groups as inherently racist. The same dynamics play out when discussing any form of identity-based discrimination, with people perceiving any criticism of the privileged group as a smear or attack. The vague mandate of this bill and the polarized political climate may lead some LEAs to adopt rules and curricula that avoid any education on systemic barriers and discrimination people have encountered or currently face in this state, country, and across our institutions, ultimately erasing the history and lived experiences of marginalized groups. Such an approach would effectively gag educators and students from learning and talking about issues related to race, gender, class, and sexuality that impact their everyday lives.

Moreover, we are specifically concerned about lines 98 and 99 requiring LEAs and others to adopt the principle "...that meritocracy or character traits, including hard work ethic, are not racist nor associated with or inconsistent with any racial or ethnic group." On its face, this line might seem innocuous. We know, however, that claiming that inequities in our society are entirely explained by "meritocracy" is, in reality, a way to mask and attempt to minimize systemic injustices against oppressed groups. Forcing educators to teach that every outcome in Utah and American society is explained only by "meritocracy," then, will prohibit an educator from presenting the idea that racism or gender bias is or has been present in our laws, systems, and structures, and this history reflects disparities in education, wealth, incarceration, housing, healthcare, employment, and other aspects of life and liberty. This idea minimizes the modern-day effects of boarding schools on Indigenous families, redlining, Jim Crow laws, segregation, and other discriminatory and biased policies this country has enacted throughout our history.

For these reasons, H.B. 427 may lead educators to favor the voices of certain groups of students and silence those in marginalized communities. Overcoming systemic inequities requires an accurate and honest education about them in our public schools. All students deserve the chance to learn how to address continued injustices so we can strive for a society that guarantees everyone the right to life, liberty, and the pursuit of happiness. We urge you to veto H.B. 427 and support inclusive and equitable education.

Sincerely,

A handwritten signature in black ink, appearing to read "Brittney Nystrom".

Brittney Nystrom
Executive Director
ACLU of Utah

CC:

Lt. Governor Deidre Henderson
Jennifer Napier-Pearce
Neil Abercrombie