

Resolution No. 486-2022

**By Council Members McCormack, Conwell
and Maurer**

AN EMERGENCY RESOLUTION

Strongly opposing House Bill 616, and urging the Ohio General Assembly to defeat this bill that aims to prohibit educational materials and censor discussions on diversity, equity, and inclusion, and sexual orientation and gender identity in schools.

WHEREAS, House Bill 616, introduced by the Ohio General Assembly on April 4, 2022, prohibits educational materials and censors discussions on diversity, equity, and inclusion, and sexual orientation and gender identity in public schools and schools that enroll state scholarship program students; and

WHEREAS, this bill amounts to an educational gag order that severely limits the ability of K-12 teachers to talk to students about sexual orientation, gender identity, and diversity, equity and inclusion, and censors and chills classroom discussions on these subjects; and

WHEREAS, specifically, House Bill 616 would prohibit educators in grades kindergarten through three from teaching, using, or providing any curriculum or instructional materials on sexual orientation or gender identity, and grades four through twelve from the same in any manner that is not age-appropriate as determined by state standards; and

WHEREAS, specifically, this bill not only censors critical race theory and the *New York Times*' "1619 Project," but also broadly and vaguely censors "diversity, equity, and inclusion learning outcomes" and "any other concept that the state board of education defines as divisive or inherently racist"; and

WHEREAS, this bill requires the Ohio Department of Education to establish procedures to allow any individuals to file complaints against teachers, school administrators or school superintendents for alleged violations of the proposed state law, further chilling classroom discussion and making teaching more difficult even as schools across the state face teacher shortages; and

WHEREAS, House Bill 616 puts K-12 teachers and schools in an impossible position, making them choose between following state law or federal law; federal law, under Titles IX and VI, requires teachers and schools be inclusive of LGBTQ+ and racial minority students and teachers, but this bill threatens to revoke teacher licenses, state school funding, or reprimand in any way that the Ohio Department of Education deems appropriate for violations, which would create an untenable conflict of law; and

WHEREAS, this proposed bill is a "solution in search of a problem", as it appears to establish restrictions on instructional practices that currently do not exist in Ohio schools, such as teaching critical race theory; and

WHEREAS, this bill attempts to erase and exclude LGBTQ+, Black, brown, Indigenous, Asian, Asian American, Pacific Islanders and other historically marginalized people from the classroom and is exceptionally cruel to these community members, their families, and anyone who loves them; the broad, open-ended ban on race and gender-related topics constitutes an attack on the freedom to learn of every young person in Ohio and deprives them of a well-rounded education, and puts Ohio's most vulnerable students in unsafe and unwelcoming classrooms; and

WHEREAS, every student deserves a quality education in a school community where they are safe, supported, and can talk about their own families, and students learn best when they are able to focus on their lessons instead of worrying about being mistreated because of their gender, race, or where they come from; and

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WHEREAS, legislation like HB 616 threatens to damage Ohio's reputation, making it less inviting to companies, investors, workforce talent, and residents; and

WHEREAS, this bill does not represent the values of Cleveland, Cuyahoga County, or Ohio; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council strongly opposes House Bill 616, and urges the Ohio General Assembly to defeat this bill that aims to prohibit educational materials and censor discussions on diversity, equity, and inclusion, and sexual orientation and gender identity in schools.

Section 2. That this Council directs the Clerk of Council to transmit copies of this Resolution to the Ohio General Assembly, members of the Northeast Ohio Legislative Delegation and Governor Mike DeWine.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

/jho

5-9-2022

FOR: Council Members McCormack, Conwell, and Maurer

