

BOARD OF EDUCATION
Metropolitan School District of North Posey County

**RESOLUTION IN SUPPORT OF STUDENTS' FREEDOM TO LEARN AND
EDUCATORS, AS PROFESSIONALS, TO TEACH AND IN OPPOSITION TO INDIANA
HOUSE BILL 1134 AND ANY SIMILAR LEGISLATION**

WHEREAS, MSD of North Posey County values nurturing learning and teaching environments; supports and respects educators as trained professionals; and is committed to ensuring that all students can thrive regardless of their zip code, color or background;

WHEREAS, public schools are a place where children of different places and races learn from the past, make sense of the present and prepare for the future;

WHEREAS, our children deserve the freedom to learn and develop the skills to reckon with our past, shape a better future, and pursue their dreams;

WHEREAS, MSD of North Posey County stands against censoring the truth of our history;

WHEREAS, MSD of North Posey County opposes any and all legislation that seeks to ban schools from the teaching of learning from the mistakes of our past and discount the work of civil rights leaders who have stood up to racism and changed our country for the better;

WHEREAS, MSD of North Posey County believes our community is stronger when every child has the freedom to learn, grow and thrive;

WHEREAS, the Indiana Department of Education outlines curriculum and teaching standards that deliver high-quality curricula that teach the full sweep of U.S. history, and equip teachers and students to develop their understanding of the world and their ability to make meaningful change in it;

WHEREAS, MSD of North Posey County values our educators, who through pedagogically sound, age-appropriate curricula and teaching standards help students understand our collective past, spark curiosity and critical thinking, and prepare all students to meet challenges of our multicultural present and future;

History of Bills Like HB 1134:

WHEREAS, HB 1134 has become Indiana's version of a nationwide and politically motivated legislative reaction to unfounded accusations that critical race theory (CRT) is being taught in Indiana's public schools;

WHEREAS, since January 21, 2021, 36 states have either introduced or enacted bills like HB 1134 restricting either the teaching of CRT or otherwise restricting discussions on race and sexism;

WHEREAS, testimony on HB 1134 and SB 167 in the Indiana General Assembly uncovered no case of teaching CRT and, quite the opposite, elicited testimony supporting the notion that when parents had issues about curriculum or content, those parents' objections were handled professionally and respectfully;

Posting of Materials and Activities

WHEREAS, HB 1134 requires the posting of bibliographical "or other information necessary to identify specific" curricular resources and a summary of educational activities disaggregated by grade level, teacher, and

subject on a public website before the resource is used or the activity is used or the activity is conducted by a public school employee;

WHEREAS, by posting educational activities, HB 1134 includes most everything that occurs inside a public school classroom, on public school grounds, during the public school day, and outside of the public school day involving students;

WHEREAS, HB 1134 enables violations of these posting requirements to be directed to Indiana's public access counselor to determine whether the school, school district, or employee has complied with the requirements-inferred that each school employee will be charged with posting the information;

Curricular Materials Advisory Committees (CMACs)

WHEREAS, HB 1134 requires that every public school district create a curriculum materials advisory committee (CMAC) made up of 60% parents (some appointed by the school board as a whole and one parent by each board individually) with no guaranteed teacher representation except for one (1) spot on the entire committee;

WHEREAS, the chair of the CMAC must be a parent and cannot be a teacher;

WHEREAS, teachers are the trained professionals on curriculum as it relates to Indiana's academic standards;

WHEREAS, the CMAC is authorized to review or evaluate the curricular materials and educational activities and to make written recommendations to the school board on these materials and activities and to make recommendations on the extent and manner in which materials and activities are accessible;

The Eight Prohibited Concepts:

WHEREAS, HB 1134 prohibits public schools or their employees from promoting eight separate concepts, full of subjectivity, ill-defined, vague and selective in their application-rendering them unworkable in real world classrooms of today;

WHEREAS, despite their subjectivity, HB 1134 attaches to a violation of the concepts, harsh penalties, up to and including the revocation of an educator's license;

Other Penalties: Civil Actions and Revocations of Licenses

WHEREAS, HB 1134 authorizes a variety of circumstances in which an individual can initiate a civil action against the school district for violations of what amount to unworkable prohibitions based on subjective, ill-defined, vague and selective in their application concepts that may or may not have been discussed in the classroom;

WHEREAS, HB 1134 calls for the suspension or revocation of a teacher's license based upon willful or wanton violations of unworkable prohibitions that are based on subjective, ill-defined, vague, and selective in their application concepts;

Diversity Trainings:

WHEREAS, HB 1134 prohibits the school board or superintendent from having any of its employees engage in an kind of training that could be interpreted to violate these unworkable prohibitions; all of which are

subjective, ill-defined, vague, and selective in their application-calling into question the scheduling of any kind of professional development centered on cultural competency, diversity, and/or racial inequalities;

Parental Oversight on Classroom Teaching:

WHEREAS, HB 1134 micromanages teacher-student discussions in classes when it strikes a provision in existing law that permits a teacher, without prior written parent approval, to ask a student a question that may reveal the student's opinions or feelings as long as the inquiry is directly related to academic instruction-thereby rendering a teacher powerless to survey a student on something as simple as, "What is your opinion about the book you just read?", without prior written consent of the parent;

WHEREAS, HB 1134 amends Indiana's existing specific curricular statutes, including Indiana's cultural competency and academic standards laws, to specify that none of these laws may violate the prohibited concepts-even as the concepts are unworkable, subjective, ill-defined, vague, and selective in their application;

WHEREAS, HB 1134 fails to recognize or honor the current system that public schools all over the state have in place to address parental concern over curriculum, materials, or instruction-a system that through public testimony in both the House and Senate education committees (HB 1134 and SB 167, respectively) demonstrated that even when parents had issues with curriculum, materials, or instruction, the public school and public school teacher worked with the parent(s) to find alternative materials for their child;

WHEREAS, the current system of parental oversight of curriculum, materials, and instruction requires personal conversations to occur-rather than links to an online complaint system housed by the internet-thereby encouraging and demanding deeper and more meaningful conversations to occur between parents and schools or parents and teachers;

WHEREAS, HB 1134 prohibits a school, school district, or teacher from requiring a student, as part of a course, to adopt, affirm, or adhere to a particular position on an issue rendering speech and debate classes violations per se of the unworkable, subjective, ill-defined, vague, and selective in their application

The Complaint Process:

WHEREAS, HB 1134 establishes an impersonal, time-consuming and unnecessary e-system for lodging complaints for any perceived violation of the prohibited concepts- even as the concepts themselves are unworkable, subjective, ill-defined, vague, and selective in their application;

WHEREAS, the complaint system in HB 1134 is fundamentally flawed in that it enables a complainant to appeal up the chain even when the complainant has "won" a decision as the process is designed to enable a complainant to appeal not only the decision on whether a violation occurred but also the remedy or remedies that were instituted at the local level-thereby promoting continuation of complaints over multiple months;

WHEREAS, HB 1134 includes a provision that complaints are confidential buy HB 1134 lacks any language on enforcement of this provision;

WHEREAS, the complaint system in HB 1134 is overly litigious, pitting teacher against parent and ultimately against his/her own student or students in a he said/she said investigation;

Social Emotional Learning Provisions:

WHEREAS, HB 1134 severely limits the professional judgement of a school employee in dealing with emotional issues that students share with them as it prohibits a school employee from providing “ongoing and recurring” consultation with a student without obtaining prior written consent of a parent;

WHEREAS, unless there is a showing of emergency response to a crisis situation or a finding that without which the student is in immediate danger of experiencing abuse or neglect, HB 1134 requires as much as thirty-one (31) days to elapse waiting on parental consent before an employee can proceed with a single further consultation or intervention on behalf of the student-and only after the thirty-one (31) day period without parental consent, may such assistance ensue;

Be It Resolved That:

No findings that CRT is being taught in Indiana’s public schools have been made;

Testimony in both the House (HB 1134) and Senate (SB 167) Education Committees supported the notion that when parents had issues about curriculum or content, those parents’ objections were handled professionally and respectfully;

The prohibited concepts in HB 1134 are unworkable, subjective, ill-defined, vague, and selective in their application;

HB 1134:

1. Over regulates and micromanages compelling classroom discussion;
2. Unnecessarily and unfortunately encourages online, impersonal, and completely adversarial relationship between parents, schools, and teachers;
3. Will have a chilling impact on teaching and learning, reducing the number of teachable moments occurring in public schools;
4. Is based on flawed concepts with penalties on schools and school employees that are too severe
5. Will exacerbate Indiana and our community’s teacher shortage; and
6. Is a bad solution in search of a non-existent problem in our state and community.

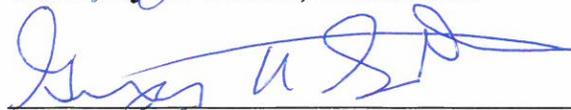
**Adopted and approved by the M.S.D. of North Posey County Board of School Trustees
this 22nd day of February 2022.**



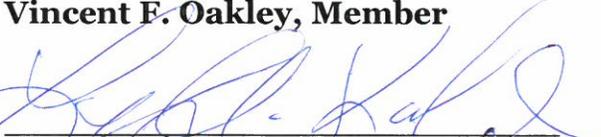
Geoffrey A. Gentil, President



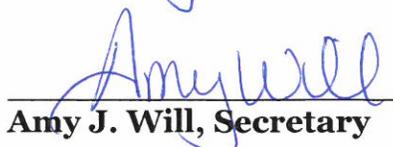
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