Dear RI House Education Committee, I am writing to express my opposition to the H5836 ethnic studies bill for several reasons, some of which are outlined below: – Constitutional and Legal Concerns: For example, there are active Lawsuits against numerous school districts in other states where this has been passed (such as California), alleging Jew-hatred, among other issues. –Sets a dangerous precedent: Mandating curriculum without specifying detailed content and a specific draft curriculum is dangerous. –Concerns about item (g)(1) which mandates a council of high school students to oversee curriculum development and implementation. This should be left to educational experts and community representatives from various ethnic groups (including groups that are missing such as Portuguese, Cape Verdean, Jewish, Irish, Italian, French, and others etc.), especially the dangers of misinformation that dominate the internet and social media. 1. Constitutional and Legal Concerns First Amendment violations: Establishment Clause: By prioritizing specific racial/ethnic groups and ideologies, the bill risks favoring certain viewpoints over others, creating a state-sponsored narrative. The Lemon Test (Lemon v. Kurtzman) prohibits excessive government entanglement with ideological agendas. Free Speech/Compelled Speech: Mandating participation in student led projects (Sec. 1d) or curricula that may require students to adopt or endorse specific political viewpoints (such as labeling Israel an oppressor) infringes on students' rights to free expression and conscience. Viewpoint Discrimination: By favoring certain historical narratives and excluding others, the bill risks government endorsement of particular ideological perspectives, which is constitutionally suspect. Equal Protection Issues: Selectively including or excluding ethnic groups from the curriculum may violate the Fourteenth Amendment's Equal Protection Clause, especially if Jewish history is omitted or misrepresented. 2. Promotion of Anti-Israel and Antisemitic Narratives Historical precedent: Ethnic studies curricula frequently frame Israel and Jews as "oppressors" while omitting Jewish historical persecution (e.g., the Holocaust, pogroms) or contributions. For example: California's 2019 ethnic studies draft equated the Boycott, Divestment, Sanctions (BDS) movement with social justice causes like #MeToo, despite BDS's ties to antisemitic tropes. University of California faculty have explicitly linked anti-Zionism to ethnic studies, encouraging activism against Israel as part of coursework. Exclusion of Jewish American history: The bill specifies Arab American, Armenian Genocide, and Latin American history but omits Jewish American experiences unless framed through an "oppressor" lens. This reinforces the erasure of Jewish narratives outside the "power structures" paradigm. Pattern of Bias in Ethnic Studies: Across the country, mandated ethnic studies curricula have repeatedly cast Jews and Israel as "oppressors" within a simplistic oppressed/oppressor framework, ignoring the long history of Jewish persecution and the complexity of the Israeli-Palestinian conflict. This narrative has led to increased antisemitism and marginalization of Jewish students in other states. Omission of Jewish American History: The bill lists specific communities to be included (Native American, Black, Asian American, Armenian, Arab American, Latin American) but does not mention Jewish Americans, despite their significant historical presence and unique experiences with discrimination in the U.S. and Rhode Island. Empowerment of Biased Actors: The bill's "student-led ethnic studies leadership council" and encouragement of "grassroots organizations" in curriculum development risk empowering outside groups with anti-Israel or antisemitic agendas, as has happened

elsewhere. 3. Public Policy and Federal Compliance Risks Conflict with Federal Policy Under Federal Administration: The current federal administration has issued executive orders and guidance aimed at ending “radical indoctrination” and race-based programming in K-12 education, threatening loss of federal funds for schools that fail to comply The Department of Education’s Office for Civil Rights has warned that programs or curricula which create a hostile environment for any racial or ethnic group—including Jews—violate Title VI of the Civil Rights Act and risk federal funding The administration has made clear that while teaching about race is not banned, schools must avoid programming that causes students to feel guilt for their ancestry or that treats students differently based on race President Trump’s policy agenda (Project 2025) seeks to dramatically reduce or eliminate the federal role in education, but as long as federal funds are involved, schools must comply with anti-discrimination laws Potential Loss of Federal Funding: If the ethnic studies curriculum is implemented in a way that is perceived as discriminatory or hostile toward Jewish students, Rhode Island schools could face investigations, lawsuits, or the loss of federal education dollars. 4. Community Impact and Educational Integrity Undermining educational goals: Focusing on "structures of power and race" (Sec. 1a2) prioritizes activism over historical accuracy, contradicting Rhode Island’s mandate to provide balanced social studies. Alienation of Jewish students: Framing Jews as “oppressors” ignores their history as a persecuted minority and perpetuates antisemitic stereotypes. This could create a hostile environment for Jewish students, violating Title VI protections. The bill’s structure and likely implementation—based on precedents—also risk creating a school climate where Jewish students feel targeted, marginalized, or forced to defend their identity and Israel’s legitimacy. Polarization and Division: The bill’s emphasis on “racialized” narratives risks deepening societal divisions, as seen in California’s ethnic studies controversies. The emphasis on “structures of power and race” and the adoption of an activist, rather than educational, approach to history will deepen divisions among students, undermining the goal of fostering critical thinking and mutual respect. Undermining Academic Standards: Prioritizing political activism over balanced, fact-based instruction erodes the quality and neutrality of public education. 5. There is no specific draft RI curriculum pointed to in this bill. There should first be a proposed curriculum, that is co-created by many different community organizations and educational experts in the state, that should be thoroughly understood and have community buy-in. There should not be a state legislation requiring a curriculum that has not been built yet. In summary, the passage of H5836 would institutionalize a curriculum model that has repeatedly led to the marginalization of Jewish Americans and the vilification of Israel, violating both constitutional principles and federal anti-discrimination law. The Trump administration has signaled a zero-tolerance approach to race-based programming and would view this bill as both legally and politically unacceptable, exposing Rhode Island schools to significant legal and financial risk. The bill should be rejected to protect all students and uphold the integrity of public education.

Sincerely,
David M. Hirsch