



The Freedom to Write

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January 22, 2024

Honorable Kathleen Passidomo
President, Florida Senate
404 S. Monroe Street
Tallahassee, FL 32399-1100

Re: PEN America's opposition to SB 1372: Educator Preparation Programs

Dear President Passidomo:

As Director of the PEN America Florida office, I write to express PEN America's opposition to SB 1372: Educator Preparation Programs (SB1372). PEN America is a nonpartisan, nonprofit organization which stands at the intersection of literature and human rights to support free expression in the United States and worldwide. SB1372 sets forth restrictions, similar to previous statutes passed by this body and subsequently enjoined, targeting certain viewpoints and chilling speech in Florida's classrooms and campuses. SB1372, as written, is an example of viewpoint discrimination contrary to free speech and expression. I urge you to reconsider.

The bill is vague and overbroad and will lead to broad chilling of speech. It prohibits "curriculum or instruction that teaches identity politics" in educator preparation programs, without defining the term, and incorporates s. 1000.05 of the Florida Statutes, which includes the "Stop WOKE Act" (HB7 2022) and which is currently enjoined throughout the state for its First Amendment infringements. The bill then prohibits instruction that "is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities." These prohibitions run head first into the First Amendment and serve as yet another attempt to quash academic freedom and chill speech in Florida public education, from K-12 through higher education.

The Florida Senate should be well aware of SB1372's likely infringements upon the First Amendment. The Stop WOKE Act was temporarily enjoined for the same offenses embodied in this bill - prohibiting expression of viewpoints disfavored by the majority in the legislature "while permitting unfettered expression of the opposite viewpoints." As the court found, "This is positively dystopian. It should go without saying that 'if liberty means anything at all it

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means the right to tell people what they do not want to hear.” *Pernell v. Fla. Bd. of Governors of State Univ. Sys.*, 641 F. Supp. 3d 1218, 1230 (N.D. Fla. 2022).

The prohibitions in educator preparation programs are but an extension of the larger trend of educational censorship legislation restricting the freedom to learn in the classroom that have proliferated in Florida during the last two legislative sessions. The ability of educators to discuss topics relevant to the subject matters they teach, including those subjectively disfavored by state legislatures, must be protected. As we have seen with the Stop WOKE Act and other laws, the extreme vagueness of the bill’s prohibitions will have a profound chilling effect on speech in educator preparation programs even when that speech is not specifically prohibited.

The bill also represents an intrusion by a legislative body into classroom instruction, which would put the accreditation of Florida’s educator preparation programs at risk, potentially triggering the demise of these programs and worsening the state’s already dire teacher shortage.

As with these other attempts to instill censorship in Florida’s public education systems and institutions, SB1372 isn’t just dangerous—it’s wholly incompatible with the First Amendment. PEN America urges you to reject SB1372.

Sincerely,

A handwritten signature in black ink that reads "Katie Blankenship". The signature is fluid and cursive, with a large loop at the end of the last name.

Katie Blankenship
Director, PEN America Florida

Cc: Members of the Florida Senate