

**House State and Local Government Committee**  
**HB 322 – Opponent Testimony**  
**Alison Paxson, Children’s Defense Fund-Ohio**  
**September 22, 2021**

Chairman Wiggam, Vice Chairwoman John, Ranking Member Representative Kelly, and Members of the State and Local Government Committee, my name is Alison Paxson, I am Policy and Communications Associate for the Children’s Defense Fund-Ohio.

Born out of the civil rights movement, with more than four decades of advocacy in Ohio, it is the mission of the Children’s Defense Fund to champion policies and programs that lift children out of poverty, protect them from abuse and neglect, and ensure their access to appropriate and targeted health care, quality education, and nutritional wellness. We recognize that every child contributes to the vibrancy and success of our communities and are therefore driven to ensure every young person has equitable opportunities to gain the social, economic, cultural, and political capital they need to flourish into adulthood and give back to their communities.

**As an organization, we stand in strong opposition to HB 322 because:**

- 1. This legislation attempts to address a problem that does not exist and actually creates more problems than it purports to solve. Further, it represents a waste of taxpayer resources on many levels.**

The vague and subjective language as part of this bill to describe the prohibited and divisive concepts claimed to exist – of which neither sponsor nor proponent hearings have successfully identified evidence of – actually creates more problems that it purports to solve. Its vagueness will create a chilling effect in the classroom and essentially muzzle teachers and students in discussing controversial topics out of fear of baseless accusations and subjective reprimand.

- 2. This legislation threatens to jeopardize how safe, inclusive, and conducive to learning our K-12 classrooms are for all students.**

HB 322 goes against decades of educational data and research that have shown students’ classrooms generally must: maintain high expectations of all students; use culturally diverse and responsive instruction materials that allow all children to see themselves in their educations; open children’s minds to the learning opportunities embedded in our differences as people (not just our similarities); encourage access to diversity in the staff of caring adults in

their schools; and present our full history, particularly its most painful chapters, in truthful, unflinching ways that give children a solid foundation for civic awareness and active citizenship. These pedagogical practices support inclusive and effective learning environments for all children, regardless of their race, zip code, income, or ability, and have been established as common ground among educators for years, regardless of partisanship.

The fact is that infants as young as six months can distinguish differences in skin color. By age three, children are already forming judgments of racial differences based on their observations of the world around them. As they grow, they hear the news, see what is on television, and witness prejudice and racism either directly or indirectly. Having low expectations of what children are capable of feeling, thinking, and understanding based on their age denies their lived experiences in a way that is traumatizing. It dismisses the capacity and potential of every child – not just those in honors or gifted courses – for complex thought, experience, and growth. Silencing discussions on race and racism harm children further by sending them the wrong message that these topics are taboo. Denying racism, its impacts on individuals, and silencing dialogue can lead to negative and false assumptions grounded in fear that can generate feelings of isolation, discomfort, anxiety, confusion, and disillusionment, especially as children grow older – exactly what this legislation is supposedly intended to prevent. Our children need a frame of reference and safe space for understanding and thinking through race and the impacts of racism on themselves, their peers, and their society.

Moreover, for students to be invested in their education, their curriculum must be relevant to and reflective of their everyday lives. As John Dewey argued more than 100 years ago, curriculum must start with a child's neighborhood and community at its center, recognizing a child's lived experience as an asset to their own learning and to that of their peers. This is a fundamental part of creating a classroom that is conducive to learning, and yet, this would be impossible to achieve if aspects of a child's own lived experience were banned from classroom dialogue, as Ohio's HB 322 threatens to do.

**3. This legislation diverts attention and resources away from the truly divisive and real challenges that our state and communities are facing – and this will harm our children greatly in the long-term.**

Worst of all for the wellbeing of our children, HB 322 threatens to obscure areas where our resources, time, and attention would be better focused to promote our children's learning and long-term wellbeing. According to [U.S. Census Household Pulse Survey Data](#), in Ohio:

- 28% of Black households in Ohio with children sometimes or often did not have enough food to eat, compared to 11% of white families, during the pandemic.

- 23% of households with children reported feeling down, depressed or hopeless in 2020, and the responses didn't show any improvement in March of 2021.
- 43% of Latinx or Hispanic families and 42% of Black families had little or no confidence in their ability to pay their next rent or mortgage payment compared to 15% of white families.
- Nearly 50% of Ohio households where at least one household member planned to take classes from a college, university, community college, trade school or other occupational school in fall of 2020 took fewer classes or cancelled their plans, and likely many who left will never return.
- 1 in 10 Ohio adults do not have health insurance in 2021 – thereby making it more likely their children are not enrolled either.

HB 322 (as well as its companion HB 327) not only incorrectly identifies the true sources of division we are facing as Ohioans, it threatens our ability to unify around a shared, truth-based understanding of our own common history, of who we are and how we got here, which makes us even more susceptible to be divided and conquered by those who stand to benefit from the deep antagonisms of racial conflict that are being stoked right now.

In conclusion, the words of Dr. Martin Luther King, Jr. have been quoted often in testimony to support this bill and its companion bill, HB 327, in white-washing and censoring our children's educations. But while these quotes heard here in this committee center on Dr. King's dream for a society where children "will not be judged by the color of their skin but by the content of their character," they ignore the expanse of his legacy built on his firm belief in the need for systemic change and governmental reform, and co-opt his image for their convenience, just as they might selectively pick out which parts of our history are appropriate to teach or discuss.

King wrote in his 1963 Letter from a Birmingham Jail. "We who engage in nonviolent direct action are not the creators of tension. . . . We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured."

This legislation taps into the fear, guilt, and rage generated by this boil of racism being exposed. As a state, we must continue and do better to expose this boil for Ohio to be a state where all children are supported to thrive and flourish. We urge you to oppose HB's 322 and 327, because ultimately, an attack on our history is an attack on our future, on our children's future well-being. Thank you for the opportunity to provide testimony today.