

HB 322 Testimony in Opposition

Chairman Wiggam, Vice Chairwoman John, Ranking Member Representative Kelly, and Members of the State and Local Government Committee,

Thank you for allowing me to testify today. My name is Catherine Kennedy. I am on the board of Equal Upper Arlington and on the steering committee of the Columbus Communities Coalition for Diversity, Equity, and Inclusion. I am also on the board of the Boys and Girls Clubs of Central Ohio. I strongly oppose HB 322.

As a community organizer in the work of diversity, equity, and inclusion across central Ohio, I am very concerned about the possible impact of this bill that prohibits the teaching, instructing, promoting, and advocating of “Prohibited Concepts” that center on race and sex in PreK-12 schools.

The list of “prohibited concepts” are ones that are NOT being taught in our schools; rather, our schools are teaching a complete and honest history that gives students context to how people have experienced and continue to experience the world differently along lines of race, sex, gender, religion, ability, and class. Stating the facts and the truth of our history does not create division; rather it shines a light on the division that is already present and that is perpetuated when we do not address it head-on.

I live in Upper Arlington, a high-opportunity suburb outside of Columbus, Ohio. Our community is 90.1% white. The following is information that answers the questions, “Why?” “Why is UA disproportionately white?”

- King Thompson, the developer who founded Upper Arlington in 1918 used zoning and deed restrictions to prevent “undesirable” people from living in his community.
- He was a leader of the National Association for Real Estate Boards (NAREB) and the Developers of High-Class Residential Property that established nationwide best practices for creating white, elite suburban spaces. In 1924, NAREB voted unanimously to revise their Code of Ethics to prevent a realtor (a term that they applied even to developers such as Thompson) from “introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individual whose presence will clearly be detrimental to property values in that neighborhood.”
- In 1926, in the Supreme Court decisions of Village of Euclid, Ohio v. Ambler Realty Co. and again in Corrigan v. Buckley, the Supreme Court upheld the use of racially restrictive covenants. In September of 1926, Upper Arlington homes began selling with racial deed restrictions...“That, until the 1st day of January A.D. 1999, said premises...shall not be sold, leased, mortgaged...or owned, used or occupied by any person or organization of persons in whole or in part of the Negro race or blood[...].”
- In 1935, the Federal Home Loan Bank asked the Home Owners Loan Corporation (HOLC), which began to work with NAREB in 1933 to develop appraising and lending standards, to create “residential security maps” to indicate the level of security for real-estate investments in each

surveyed city (a total of 239 cities, and Columbus was one of these). In this way, the FHA actively used the racially restrictive covenants to define the areas through a system of “redlining” that would or would not be considered good investment and eligible for FHA backing. This would help the government decide which neighborhoods would make secure investments and which should be off-limits for issuing mortgages. This encouraged and rewarded white people for moving to whites-only areas, and it also meant that those who were Black and brown could not secure a loan even to move in their own communities or to improve upon their properties, leading to the disinvestment and deterioration of their neighborhoods and a loss of wealth that has compounded over the generations.

- In 1948, the U.S. Supreme Court ended deed restrictions; however, many communities utilized home-owners associations that held first right of refusal for any property under their jurisdiction if an owner was selling to a person that did not meet their requirements. In 1948, in Upper Arlington, the Northwest Arlington Association was established, maintaining racial restrictions in approximately 350 homes in the Canterbury Place Addition Subdivision. In 1948, King Thompson moved to this subdivision, to a smaller home at 2449 Edington Road.
- Then in 1970, a Black couple filed a complaint against the Northwest Arlington Association for denying them the purchase of a house on Leeds Road. John H. Pace, President of King Thompson Realty, trustee of NW Arlington Home Owners Association, and Chairman of Ohio Real Estate Commission is named in the lawsuit. In *Alfred Ashley v The Northwest Arlington Association*, Judge Clifford Rader of the Franklin County Court of Common Pleas awarded \$15,000 in damages to the couple, ordered the exclusionary body dissolved, and declared the restrictive covenants null and void, according to a 1971 Columbus Dispatch article.
- While there were homes that may not have had deed restrictions or were under the control of a homeowners association, the combined impact of both, paired with the effects of redlining up until 1968, solidly established Upper Arlington as a white enclave. This was further exacerbated in 1976 when Columbus City Schools were ordered by a Federal Judge to desegregate. Significant white flight occurred out of Columbus City Schools to suburban school districts like Upper Arlington that were not subjected to desegregation.
- In contrast, those Black and brown people who were denied access to the wealth-building of home ownership of appreciating property were less likely to have the means to purchase a home in Upper Arlington in the late 70s once it was available to people of color.

This information is critical because it explains to students what they see around them today. And the reality of today, born out of the events of the past, is this:

- Today, more than 60 years after the *Brown v. Board of Education* Supreme Court decision, in every region of the country except the West, our public schools are more segregated than they were in 1980, as measured by the percentage of all Black students who are attending schools that are 90 – 100% white.
- Central Ohio is the second most economically segregated metropolitan area in the US with many neighborhoods of concentrated poverty.

- School districts that serve predominantly white students receive \$23 billion more in funding than districts that serve predominantly students of color, despite serving the same number of students, amounting to \$2,200 less per student in districts that serve mostly students of color.
- At \$171,000, the net worth of a typical white family is nearly ten times greater than that of a Black family (\$17,150).
- 1 in 4 Black Americans living in poverty lives in high-poverty neighborhoods; only 1 in 13 impoverished white Americans lives in a high-poverty neighborhood.
- Your zip code is now a better predictor of health outcomes than your genetics—Black children are nearly twice as likely to test positive for lead in their blood than white children, and Black and Hispanic children are three times as likely than white children to have asthma. Black children ages 5 to 12 are twice as likely to die by suicide as their white counterparts
- National research which shows that children who live in stable households in higher resourced neighborhoods:
 - Have 31% higher incomes in early adulthood
 - Have \$302,000 higher lifetime earnings
 - Are 32% more likely to attend college
 - And the girls are 26% less likely to be teen mothers and are at a 70% lower risk of severe anxiety disorders

Knowing the history of our communities and our country as a whole helps students understand the reality of today. This knowledge is power and promotes critical thinking to seek solutions for a better future. This awareness nurtures a cultural competency that allows students and adults to work across differences and seek the betterment of our world as equals.

HB 322, in contrast, creates fear about a make-believe reality. If enacted, it would lead our educational system to turn a blind eye to the truth of our history and our present and stunt our ability to address as a society the very real problems of poverty, violence, crime, hunger, homelessness, etc. The bill's definition of "prohibited concepts" is a manipulation of what is actually happening in our schools—implying that blame, shame, racism, and sexism is being taught. It is not.

- No educational institution is teaching that one race is inherently superior to others; they are teaching the history of how white people throughout US Slavery, Jim Crow, the War on Drugs, and The Great Recession held disproportionate power and accessed a disproportionate amount of resources.
- No educational institution is teaching that an individual is inherently racist, sexist, or oppressive; they are teaching how the explicit and implicit messaging that we receive as we socialize into our world leads us to hold biases that are important for us to question and challenge.
- No educational institution is teaching that an individual should be discriminated against solely based on race; rather, the work of diversity, equity, and inclusion is specifically the work of seeing and valuing the complexity of each individual as well as better understanding their shared experience as a member of different identities, such as race, gender, sex, religion, ability, etc.

- No educational institution is teaching students that an individual's moral standing or worth is determined by their race or sex or that an individual should feel guilt, anguish, or psychological distress based on their race or sex; or that fault, blame, or bias should be assigned to race or sex; or that students bear responsibility for actions committed in the past by other members of their sex or race—conversely, they are teaching students the truth of the past so that they are better prepared to make a positive impact on their present and future.
- By learning the unvarnished, uncensored facts of our history, students can make their own determination with regard to meritocracy, slavery, and the founding of our nation.

This bill is dangerous in how it twists the truth and incites fear that is displaced. Further, it endangers schools and teachers that would be subject to individual interpretation of this law as it applies to all teaching, something educators of Ohio are trained to do professionally, requiring them to obtain an undergraduate and graduate degree as well as a teaching license. It will take time and resources away from school administrators and teachers, distracting them from the real work of teaching our kids reading, writing, math, science, social studies, and all the other hallmarks of a successful education.

I ask you to consider the grave consequences that could come from the passing of this bill, not only for our teachers, schools, and students, but for our society as a whole.