

Chair Hambley, Vice Chair Patton, Ranking Minority Member Brown, and the members of the House Civil Justice Committee, my name is Emily Osterling and I am submitting this testimony in support of House Bill 369, the Ohio Fairness Act.

I have been an Educator in Southwest Ohio for over 19 years, and I am a proud member of the LGBTQ+ Community. I have spent the last several years specifically advocating for LGBTQ+ students and educators as the Chair of the National Education Association LGBTQ+ Caucus. This is an organization whose purpose is to; protect the rights and interests of LGBTQ+ educators and their allies, promote recognition of the needs and constitutional rights of LGBTQ+ students, and advance the understanding and acceptance of LGBTQ+ people in all areas of society.

It is within this role that I was approached by one of my school board members about a parent within my district who had a transgender son. My school board member had one request; please go and hear her story. After listening to this parent share her family's journey and express concerns about the way the district was choosing to accommodate her son's transition, it was more than apparent that there was a need. The district lacked policies that explicitly protected transgender students. While there was blanket nondiscrimination language, the district failed to outline protections and safeguards for bathroom and locker usage, field trips, athletics, staff training, and more.

We began to organize around the need for district policy: a policy that would clearly outline expectations to students, staff, and community members. We organized within the community, conversing with school board members, staff, students, and members of the community. And in December of 2017, policy was brought forward and voted on by the school board. In a devastating blow, the school board voted 3 to 2 not to implement the policy. This left students and staff with no explicit direction. Students felt unprotected and staff members lacked the tools and knowledge necessary to fully accommodate trans students.

As a member of the staff I felt that it was imperative that we received adequate training in order to ensure that our trans students felt safe and respected. I spoke out at several school board meetings asking for training. It fell on deaf ears. Instead of providing districtwide training, administration began to look for ways to shut the conversation down. In May of 2018, I was asked to voluntarily resign or face termination proceedings. My livelihood was on the line and I chose to fight back. In September of 2018, I filed a federal lawsuit against my school district on the basis of wrongful termination, retaliation, and violation of first amendment rights. And in order to avoid any more negative publicity the school district settled in January of this year. While I never went to court, the damage was done.

I am a tenured teacher who has lost my job simply for speaking out. But more importantly, the most vulnerable of students are left without the protections they desperately need. I felt as though I was not only targeted as a lesbian teacher, but more importantly for advocating for the LGBTQ+ students in my school district. House Bill 369 provides statewide nondiscrimination language inclusive of all individuals.

Sexual orientation and gender identity or expression should not define an individual, and more importantly it should not be used against an individual. People should not live in fear of being their authentic selves. They shouldn't be forced to hide who they are or who they may love for fear of losing their job.

House Bill 369 encourages employers to treat all individuals equally. Most Ohioans and Ohio businesses support protections against discrimination; the Ohio Fairness Act provides equity. It allows individuals to be evaluated on merit versus their sexual orientation or gender identity. As someone who has experienced the institutional homophobia and transphobia within our society, I urge you to pass House Bill 369, the Ohio Fairness Act. Thank you for your time and consideration. I am happy to answer any questions you may have.