

House Bill 321  
House Primary and Secondary Education Committee  
Interested Party Testimony  
Barry Sheets  
November 18<sup>th</sup>, 2020

Chairman Jones, Vice Chair Manchester, Ranking Member Robinson and members of the House Primary and Secondary Education Committee, thank you for allowing me to speak to House Bill 321, regarding sexual violence education in Ohio's schools.

I am Barry Sheets, and I come before you today representing Citizens for Community Values, the Institute for Principled Policy, and the Ohio Adolescent Health Association. Our organizations applaud the concern for the well-being of children which the sponsors of this measure seek to express in this bill. We believe that although well intentioned, the measure is lacking some key elements to ensure that children and parents are best served by this legislation.

In dealing with matters of a highly sensitive nature such as this, we believe that great care should be taken by our schools in working with parents to thoughtfully provide developmentally appropriate instruction. That rises to our first concern. In the bill, it refers to the materials and instruction in this area, both in the K-6 and 7-12 grades as being "age appropriate". However, the bill has no definition of what this means, or how to measure if said materials meet this objective. As we understand that children develop differently, especially in their abilities to grasp, process and utilize information, we believe it is best to include an amendment to require that these materials and instruction be "developmentally appropriate" and that districts would be encouraged to take steps to ensure this.

Additionally, as parents are best suited to understand and determine the appropriateness of materials and instruction for their own individual children, we would also encourage an amendment to provide for an "opt-out" for parents who do not wish to have their children exposed to such materials in the classroom. This is consistent with how previous Assemblies have handled sexually-related topics such as venereal disease education. As it stands, HB 321 does not provide this, thus mandating this instruction for all children regardless of parental wishes.

We understand that there is a provision for parents to request to review the materials and be allowed to look them over. However, that is the extent of what a parent can do under the bill. This is far from adequate, as many parents may find certain materials not appropriate, or perhaps offensive, but will have no means by which to express this to the school district or seek satisfaction that their child does not have to be exposed to the materials. There is sadly no provision regarding the instruction that will be given in the classroom, as this bill does not provide a mechanism for parents to be able to hear how materials are being presented.

Another area of concern is that, sadly, there may be circumstances where a child in the classroom has been, or currently is, a victim of sexual violence. These victims of such horrible crimes need to be treated carefully, both in insuring that further trauma is not inflicted on the child inadvertently through the classroom, and as potential witnesses in the prosecution of their assailants. On that note, we would strongly encourage that the in-service instruction surrounding this topic be under the auspices of, reviewed by, or in some instances directly provided by members of law enforcement or prosecutors with experience in dealing with these types of crimes.

The very last thing I am sure the sponsors of the bill would want is to have a criminal defense counsel be able to invalidate the testimony of a child victim of sexual violence because of successfully arguing that the witness had been “coached” to bring the accusation of their client. We would offer that providing this level of professional law enforcement oversight to ensure that the facilitators of this material would understand how to appropriately engage with such situations, so that we may effectively enforce the law against a perpetrator.

Our organizations thank you for hearing our concerns regarding HB 321. We have spoken with the chairman relative to these concerns, and would hope that this committee might consider taking pause to reflect on these omissions in the legislation and work toward making this bill a better one for both our children and our parents before considering reporting it out of the committee. Thank you, and I would be happy to take any questions.