

House Bill 105
House Primary and Secondary Education Committee
Interested Party Testimony
May 18th, 2021

Chairman Manning, Vice Chair Bird, Ranking Member Robinson and members of the House Primary and Secondary Education Committee, thank you for allowing me to speak to House Bill 105, regarding sexual violence education in Ohio's schools.

I am Barry Sheets, and I come before you today representing the Center for Christian Virtue, 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, as with its predecessor in the 133rd Assembly, this edition of the bill is still lacking 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, 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 105 does not provide this, thus mandating this instruction for all children regardless of parental wishes. Arguments have been made that allow such a parental opt-out is somehow tantamount to encouraging or ignoring inter-family abuse, which is a concern, but taking away the right of law-abiding, non-abusive parents to determine what is best for their children is not the answer to that dilemma.

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.

Nor is there any clarity on what the "reasonable period of time" might be that a school must respond and allow the parent to review the materials. Without better parameters, some schools may decide it is a "reasonable period of time" to respond to a parent request for review after the unit has already been delivered to the child. This too needs to be clarified with language setting up a clear timeline.

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 presentation, and as potential witnesses in the prosecution of their assailants.

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. Steps should be taken 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.

This may be best accomplished by requiring in the bill 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. In some cases, which is a sadly growing occurrence, the perpetrator is the child’s teacher or other official personnel of the school. There might potentially be great benefit to having law enforcement officials directly involved at the school for this type of training.

Our organizations thank you for hearing our concerns regarding HB 105. We 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.