

October 8, 2023

Chair Young, Vice Chair Manning, Ranking Member Miller, and members of the Higher Education Committee,

My name is Laura Robertson-Boyd. I use she/her/hers pronouns. My husband of 26 years and I are proud parents of two transgender kids who attend public universities here in Ohio. They are also both registered and engaged voters.

We all adamantly oppose HB183, the proposed bathroom ban bill that seeks to segregate public school and university restrooms and facilities based on “biological sex.” HB183 is misguided, discriminatory, and counterproductive.

First and foremost, HB183 is a violation of civil rights and undermines the principles of equality and nondiscrimination upon which our nation was founded. It is essential to recognize that gender identity is not solely determined by biological sex, and attempting to enforce such a rigid binary classification goes against the spirit of civil rights laws. Segregating facilities based on biological sex infringes upon the rights of transgender and gender non-conforming students, leading to discrimination and humiliation. Further, the proposed language in HB183 directly conflicts with the 2020 Supreme Court decision, *Bostock v. Clayton County*, which was authored by Justice Neil Gorsuch and affirms that discriminating on the basis of someone’s gender identity or sexual orientation is inherently discrimination on the basis of sex.

HB183 targets some of the most vulnerable individuals in our educational system. Transgender and gender non-conforming students already face a disproportionate amount of bullying, harassment, and mental health challenges. Forcing them to use facilities that do not align with their gender identity only exacerbates these problems. According to a recent study published in the journal *Pediatrics*, “Transgender and gender-nonbinary teens who were subject to restroom or locker room restrictions had a higher prevalence of sexual assault, at 36%” as compared to their cisgender peers (students who identify with their sex assigned at birth): 15% of female students and 4% of male students reported experiencing sexual assault. (1)

In fact, a transgender Ohio man was attacked and assaulted for using the restroom that aligned with his sex assigned at birth just last year: Noah Ruiz was camping with his family and was instructed by the campground owner to use the women’s restroom because his sex assigned at birth was female. Once in the restroom, Noah was attacked by women who assumed he was a cisgender man, and when he left the women’s restroom, he was physically assaulted and harassed by a group of 3 cisgender men who shouted anti-LGBTQ+ slurs at him. (2) Incidents such as this will only become more common should HB183 pass - perpetuating further harm against transgender students, staff, and faculty and causing legal and logistical nightmares for schools.

Further, enforcing a binary classification of restrooms based on biological sex raises numerous practical and legal questions. What criteria will be used to determine an individual's biological sex? Will there be mandatory genital checks? Will students need to carry their birth certificates with them simply to use the bathroom? The lack of clarity in this bill creates an environment of confusion and potential legal battles for schools, which should be focused on providing a safe and inclusive environment for all students rather than policing students' genitals or birth certificates. Further, defining "biological sex" as only "male" or "female" discriminates against intersex people. What restrooms will they be permitted to use?

Finally, If HB183 were to pass, it could result in significant economic consequences for Ohio. Discriminatory legislation has been shown to discourage investment and tourism, as well as lead to potential boycotts, as was the case when North Carolina passed the first bathroom ban law in 2016, and the state was eventually forced to repeal the law. (1) HB183 and the numerous other anti-trans and anti-LGBTQ+ bill currently under consideration send a message to businesses and investors that Ohio is not welcoming to a diverse population, making recruitment of talented and skilled employees challenging. Further, it tells young working-age adults and college students like my kids that they are not welcome here, forcing them to leave for more welcoming and hospitable states - further adding to the "brain drain" in Ohio and hurting our economy.

In conclusion, while the intent of HB183 may be rooted in concerns for privacy and safety, it will only make those matters worse for transgender and gender non-conforming students, and it could also threaten the safety of cisgender students, as well, if they do not appear "feminine" or "masculine" enough - calling their gender identities into question. HB183 perpetuates discrimination and harm against transgender and gender non-conforming students, threatens economic repercussions, and creates unnecessary confusion for our educational institutions. I urge this committee to reject HB183 and instead focus on policies that promote inclusivity, tolerance, and equal rights for all students in our public schools. Thank you for your time and consideration.

Sincerely,

Laura Robertson-Boyd (she/her/hers)

Footnotes:

1. Bracho-Sanchez, E. (May 6, 2019). *Transgender teens in schools with bathroom restrictions are at higher risk of sexual assault, study says*. CNN.
<https://www.cnn.com/2019/05/06/health/trans-teens-bathroom-policies-sexual-assault-study/index.html>
2. Padgett, D. (July 12, 2022). *Trans man brutally assaulted for using women's restroom at campground*. Advocate.
https://www.advocate.com/news/2022/7/12/trans-man-brutally-assaulted-using-womens-restr-oom-campground?utm_source=substack&utm_medium=email